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ABSTRACT

This handbook details methods Pennsylvania school districts might adopt in order to meet State attendance regulations. Following a brief introduction, a list of general topic references in the law is given as an aid to awareness of the variety of issues addressed by statute and regulation. Next, guidelines are presented for developing school attendance policies and procedures. These components are proposed and detailed: excusals from public school attendance and out-of-school instruction; home-school communication; responsibility and procedures for attendance reporting; and corrective measures and penalties. Possible incentive practices are discussed, including rewards, closer home-school contact, improved in-school communication, community involvement, and realistic approaches to scheduling. Next, other institutional strategies for reducing absenteeism are outlined. These include early identification of attendance problems, after-school detention, academic punishment, strengthening school leadership and improving school climate, and inservice training. Alternative programs and in-school suspension programs are described, and a policy development checklist is presented. Also included are a bibliography and two appendices, which contain school code provisions and State board of education regulations controlling attendance. (KH)

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Turning the Tide

ATTENDANCE

Policies and Guidelines



Pennsylvania Department of Education 1984

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June 1984

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Allegheny Intermediate Unit #3
Bermudian Springs School District
Canton Area School District
Central Cambria School District
Chester Upland School District
Cumberland Valley School District
East Pennsboro School District
Harbor Creek School District
Loyalsock Township School District
Manheim Township School District
North Penn School District
Pottstown School District
Saucon Valley School District
School District of Philadelphia
Williamsport Area School District
Wissahickon School District

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I. INTRODUCTION AND PURPOSE

Regular attendance is a prerequisite for educating the children of the Commonwealth. Curricula are planned and courses taught as a progression of learning activities and ideas, with each day's work building on work previously done. When children are absent, they miss one or more steps in the learning hierarchy; absent children cannot be taught.

Attendance in most Pennsylvania schools is good. In most districts, over 90 percent of their students are present on any given day, and some districts have averages of 95 percent or higher. However, it is estimated that more than 25 million "student learning days" were lost in 1982-83 in the Commonwealth. In addition to a loss in student learning, excessive absenteeism results in additional work for teachers and administrators and a poor image for the schools. School truancy has been shown to be a predictor of deviant behavior in later life, including violence, employment problems and disciplinary problems in the military service. And there is evidence that chronic truants tend to tolerate such behavior in their own children later on.¹ Thus, the financial and social costs of absenteeism are high.

In Turning the Tide: An Agenda for Excellence in Pennsylvania Public Schools, Governor Dick Thornburgh emphasized that local school districts should develop explicit policies regarding attendance and use attendance policies and procedures to prevent absences and identify learning and other social problems. He stated:

Schools should monitor student attendance patterns, which often are an indicator of how well students achieve in school. Poor attendance may indicate problems which should be brought to the attention of parents and other professionals.

School attendance policies should be based on communication with parents to determine the cause of frequent absences, as well as to identify problems a² child may be experiencing at home which may affect performance at school.

School districts with high or above average attendance rates work vigorously to maintain and improve student attendance. They also have strong board-adopted attendance policies and clearly stated regulations or procedures for

¹Robins, Lee and Ratcliff, Kathryn, Long Range Outcomes Associated with School Truancy, Washington University School of Medicine, St. Louis, Missouri. 1978.

²Turning the Tide: An Agenda for Excellence in Pennsylvania Public Schools, Commonwealth of Pennsylvania. October 1983.

implementing those policies in all buildings. Therefore, the purpose of this handbook is to:

- o present the legal basis for school attendance practices.
- o provide guidelines for developing attendance policies and procedures.
- o describe practices and alternative programs which have been successful in improving attendance.
- o provide a checklist districts can use in developing district-specific attendance policies.

II. A SUMMARY OF PENNSYLVANIA ATTENDANCE REGULATIONS

Because of the multitude of details, definitions, special cases and exceptions included in the law, selected sections of the Public School Code and Chapters 11 and 12 of the State Board of Education's Regulations appear in Appendices A and B. A list of general topic references in the law follows as an aid to awareness of the variety of issues addressed by statute and regulation. These references are not exhaustive. When developing and discussing attendance policies, it is suggested that the full text of applicable statutes and regulations should always be reviewed.

A. Entitlement to Attend Public Schools

Public School Code, Sections:

- 503: Kindergarten
- 1301: Age limits, Temporary residence
- 1302: Residence and right to free school privileges
- 1304: Admission of Beginners
- 1305: Non resident children
- 1306:
- 1313: Attendance in Other Districts

State Board of Education Regulations:

- Chapter 12: Section 12.1 Free Education and Attendance
- Chapter 11: Section 11.11 Entitlement to Attend

B. Compulsory Attendance

Public School Code, Sections:

- 1327: Compulsory School Attendance
- 1330: Exceptions to Compulsory Attendance

State Board of Education Regulations:

- Chapter 12: Sections 12.1 Free Education and Attendance
and 12.2 Student responsibilities
- Chapter 11: Section 11.13 Compulsory School Age

C. Temporary Legal (Excused) Absences

Public School Code, Section:

- 1329: Excuses from attending school

State Board of Education Regulations:

- Chapter 11: Sections 11.21 - 11.26: Absence for Temporary Periods

Local School District Rules:

Local districts can, pursuant to rule making authority in Section 510 of the Public School Code, promulgate additional rules addressing excused absences and setting forth procedures for approving and documenting such absences.

D. Penalty for Illegal Absences

Public School Code, Sections:

1333: Penalties for violation of compulsory attendance requirements

1355: Penalty for failure to comply

State Board of Education Regulations:

Chapter 12: Section 12.6: Exclusions from school -- If a local district defines illegal absences as the type of offense that could lead to exclusion from school.

III. GUIDELINES FOR DEVELOPING ATTENDANCE POLICIES AND PROCEDURES

A policy is a principle expressing commitment to a goal with the philosophical bases for that goal. It provides a framework for charting a course of action. The policy tells what is wanted, why, and how much; the procedures tell how, when, where and by whom the policy will be implemented. Policies should be broad enough to indicate a line of action in meeting a number of problems but narrow enough to give clear guidance. The rules and regulations follow the policy, but are detailed enough to give specific direction for action to school personnel. It must be remembered, however, that there is no substitute for good judgment. Not every possible case can be covered in a policy, and the administrators should interpret the policy with common sense, exercising good judgment in cases not specifically covered.

School policies must be framed in compliance with Pennsylvania Law (i.e., the Public School Code of 1949 and its amendments), the rules and regulations of the State Board of Education, and the state and federal constitutions, general laws and regulations. Policies will be most effective, also, if they are in accord with educational objectives, procedures and practices which are broadly accepted by authorities in the field of education.

Development of a Policy

Policy development generally begins when a need for a new or revised policy is recognized by the district superintendent or the board of education. The board may appoint a study committee to define the issues and draft a policy which meets the need or problem. Often the study committee is the superintendent and his/her staff; but students, parents, teachers, community representatives, social agencies, and, of course, board members may be represented. Opinion varies as to who should actually write the policy and the procedures which implement it, but the ultimate responsibility for policy adoption rests with the board of education.

An attendance policy should state clearly the district expectation for regular student attendance, the philosophical basis for this expectation, and where the responsibility lies for compliance with and enforcement of the policy. According to Section 1327 of the Public School Code of 1949, "Every child of compulsory school age having a legal residence in this Commonwealth... is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language." Therefore, it is appropriate for a school board to require regular attendance and to endorse purposes which support that requirement.

Purposes underlying an attendance policy may include ideas such as:

- o offering an educational program, predicated upon the presence of the pupil, which requires continuity of instruction and classroom participation.
- o helping students develop a sense of responsibility, discipline, and good work habits.
- o maintaining close communication and cooperation between home and school to encourage and sustain regular school attendance.

o improving the students' chances for academic and social accomplishment.

Once the basic requirement for regular attendance becomes policy, the school board must decide which details require further policy statements, and which are procedures and regulations to implement the policy. In order to ensure consistency in decision-making, the board may wish to include more guidance than the "satisfactory evidence. . . of any mental, physical, or other urgent reasons" which the Public School Code states as justification for temporarily excusing a student from attendance. Exceptions to regular attendance should be defined, and policy on excused absences for such purposes as family educational trips and religious education should be included.

Other matters the board may wish to standardize by written policy would include the responsibility for attendance reporting, notification of parents concerning unlawful absence (or any absence), and a basis for actions to be taken to improve attendance and set penalties for repeated absence.

Following board approval of the policies, the district superintendent has the responsibility for developing the administrative procedures, rules, and regulations to implement the policies. He may do this in cooperation with other school administrators, those who have the greatest experience in dealing with attendance problems. Or he might involve a wide range of persons and groups by choosing a committee which also represents teachers, students, parents, counselors, social agencies, and any other groups which may have an interest in school attendance.

The committee approach may seem less efficient, but it provides for contributions from all the groups affected and thus reinforces their commitment to regular attendance. Subsequently, the committee members may help communicate the school district policy and procedures to the wider public and strengthen community awareness of the importance of good attendance.

Whatever method is used to develop the rules and regulations which support the policies, after they have been adopted or approved, policies and procedures should be widely publicized. Parents, students, and community should be informed in terms they can understand; school staff should be formally introduced to both policy and procedures so they may efficiently and uniformly implement them.

Suggested Components for Policy or Procedures

Each school district will have unique problems or needs in administering the attendance laws and regulations. Some parts of the law may cover occurrences so rare that a particular district may choose to handle any case individually as it arises without writing a policy or set of procedures for the district. As repeated similar problems are encountered, however, a policy may be indicated to prevent contradictory solutions. When needed in such cases, written policies and procedures which are clearly stated can lead to consistent application.

The following components are suggested as appropriate for inclusion in the attendance policies and procedures of most Pennsylvania public school districts. These will be discussed in subsequent sections of the chapter.

- o Excused temporary absences
- o Excusals from public school attendance and out-of-school instruction
- o Home-school communication
- o Responsibility and procedures for attendance reporting
- o Corrective measures and penalties

Excused Temporary Absences

The Public School Code of Pennsylvania and the State Board Regulations include a number of specific reasons for which a child may be excused from school for all or part of a school day. These include:

1. Observance of religious holidays.
2. Religious instruction.
This is restricted by law to a maximum of 36 hours per school year.
3. Educational trips, not school sponsored.
Although the district is not required to excuse pupils for educational trips, most Pennsylvania school districts have a policy of excusing such absences, either making a case by case decision or basing decisions on board policy. Many districts have defined the number of trips, the number of days, or both for which a child may be excused during a school year for family or family-financed trips which have educational aspects. The district may, by law, establish reasonable limits to the number of such trips. Some stated maximums in Pennsylvania districts are:
 - o One trip of not more than five school days.
 - o Up to ten school days a year (number of trips not defined).
 - o Depending on a child's attendance record, the total days of absence shall not exceed fifteen days.

The request to be excused for an educational trip must be approved in advance by the district superintendent and in some districts approval is contingent on the child's keeping up with assignments during the trip.

4. Health care.
Absence for a portion of the school day may be excused for medical or dental appointments which cannot be arranged after school hours.
5. Tutorial work.
Such instruction must be in a field not offered by the school.
6. Illness and other urgent reasons.
This is the most common reason, or set of reasons, for temporary absence from schools. The board or the superintendent should define "other urgent reasons" to guide teachers, principals, and/or attendance officers in deciding whether any given absence is excused or not. In general, absences for the following reasons would be excused:
 - o illness or recovery from an accident
 - o quarantine of the home
 - o death in the family
 - o court appearance
 - o family emergency (unavoidable)

The board or superintendent may include other urgent reasons likely to occur within the district. A family emergency may require a child to work at home due to absence of parents or guardians, especially to care for younger children. However, repeated occurrences of such excuses would require investigation. Failure to get up, failure to have children ready for the school bus, and failure to arrange for regular child care constitute parental neglect and are not sufficient reason to excuse a child from school attendance. In some suburban/rural districts, impassable roads may be a good and valid excuse, but there must be some guidelines for parents in interpreting what the school will accept as impassable.

Absence of enrolled children for any reason other than those defined by the policy and procedures adopted by the school district and its board of directors is not excused and constitutes truancy. For children of compulsory attendance age, unexcused absences are also illegal, and the law defines the resulting action to be taken. For students who have passed the age of 16, district-developed correction measures may be used.

Many problems and questions are related to the administration of even seemingly clearcut reasons for absence. If a parent writes requesting that Johnny's absence be excused "because he had a belly ache," it seems a legitimate excuse. But, at what stage does the parent's word cease to be sufficient? When Johnny has three belly aches, or six or ten? How many days of illness can be excused without a doctor's statement? Consecutive or total? Some answers to such questions will be part of the board policy, some will be included in the administrative procedures, and some will result from good judgment and common sense.

In addition to defining and explaining what reasons constitute valid excuses for absence, some districts may wish to list reasons which are never acceptable. Such a list may include babysitting, running errands, shopping for school clothes, missing the bus (when it is reasonably on schedule), participating in private lessons or hobbies, and pursuing performance of a talent or skill. Some boards may consider this last reason to be an example of

number five, tutorial work, above. In that case, arrangements could be made to excuse the child for the time needed, but regulations should specify that such tutorial work be scheduled to interfere as little as possible with the child's regular school work.

Excusals from Public School Attendance and Out-of-School Instruction

Certain children may be excused, under state law, from public school attendance. In order to clarify eligible cases for parents and social agencies within the school district, the conditions of such excusal should be defined by the district policy in accordance with the Public School Code and State Board Regulations. The school board shall excuse the following students from attendance in public school:

1. Students attending a nonpublic or private school.
2. Children certified by a physician as unable to study for mental, physical or other urgent reasons (and approved by the Department of Education).
3. Students 16 or 17 years of age enrolled in an approved private trade or business school.
4. Children 15 years of age, and 14 years of age who have completed elementary school, who are engaged in farm work or private domestic service.
5. Children 16 years of age who are regularly employed during the school day.
6. Students receiving private instruction from a properly qualified tutor (must be approved by the district superintendent).

Cases in which out-of-school instruction is to be allowed must be defined by policy or procedural rules. Participants in these programs are considered in attendance. Types of cases which may be included are:

1. Homebound instruction for enrolled pupils who are temporarily unable to attend school for medical reasons.
2. Individualized out-of-school instruction for students unable to attend regularly. Tutoring and programs for exceptional students may be types of individualized instruction.
3. Work study or career exploration programs under school auspices or properly supervised.
4. Work release program with student in school a portion of the day.
5. A 12th grade student taking college courses part-time while continuing in high school the rest of the school day.
6. Graduating students may be counted present for not more than three days for supervised commencement preparation.

Procedures to be followed in excusing pupils from school, in controlling special cases of out-of-school and part-time instruction, and in providing for evaluation of the process should be included in the administrative rules and regulations. Defining who is eligible for special programs before the fact can help avoid basing decisions on subjective factors and coming up with contradictory decisions in similar cases.

Home-School Communication

Parental attitude is a factor which greatly influences the regularity of student attendance. Therefore, communication and cooperation between home and school are of high importance. The school has the responsibility to inform the parents of the attendance regulations which apply to their child. This information, which is best transmitted by an official written notice, should include the board's reasons for insisting on regular attendance; the reasons for which an absence will be excused; a list, if available, of absences which are unexcused or illegal; instructions for preparing written excuses or obtaining a doctor's statement; and the penalties for noncompliance with attendance laws.

Individual district practices and requirements vary widely. Some school districts require a call from the parent or guardian whenever a child is kept home from school for any reason. If no call is received, the principal, school clerk, attendance officer, or other school staff member calls the home as soon as the absence is reported by the child's teacher. Other districts wait for the child to return, bringing a written excuse, and take action only after a given number of days of absence. A major advantage of the immediate call is that truancy can be discovered the first day it occurs and preventive measures taken. An even greater advantage is that this practice emphasizes for both parent and student the great importance of regular attendance.

In making policy or writing procedures, the board and superintendent should include some method for parent-school communication in case of absence and also for keeping a permanent record of such communication. A short but pleasant contact when an absence is excused and legal can keep the channels clear for discussing illegal absence, should it occur. An accurate record of such contacts can assist the attendance officer when cases require investigation.

Responsibilities and Procedures for Reporting Attendance

The responsibility for maintaining attendance rolls, accounting for absences, and summarizing the district membership, attendance and change patterns for the annual attendance report to the Department of Education belongs ultimately to the district superintendent. To accomplish this, uniform procedures should be developed for the entire district which delegate duties in the attendance reporting process to various staff members. Generally the system is developed by the administrators and implemented by the building principals with the help of building staff.

The size of the district and/or buildings will have some effect on the details of the system which is developed. School level will also make a difference; simpler reporting forms or methods are needed in self-contained classrooms than in senior high schools. Procedures must be developed and responsibility assigned for reporting and accounting activities such as:

- o Keeping an accurate record of all students assigned at the beginning of the school year, new entrants, withdrawals, and reentries.
- o Insuring a school session which conforms to the State Board Regulations.

- o Daily recording and reporting of absences by homeroom and/or class period.
- o Informing parents of student absences on a schedule set in the procedures. (This may vary from immediately to three days, and in some districts includes a procedure for parents to report student absence by phone on the first day of any absence.)
- o Maintaining cumulative records of each student's absences.
- o Identifying and counseling students with irregular attendance patterns.
- o Insuring that students returning from an absence have an opportunity to make up the work they missed.
- o Issuing written notice to a parent or guardian who fails to comply with the compulsory attendance statute that such infraction of the law will be prosecuted. (The notice should include the message that after the third day of unlawful absence additional infractions will be prosecuted without further notice.)
- o Making provision for cumulation of class cuts or excessive tardiness into equivalent days of absence.
- o Including measures to be taken in cases of excessive absences from school or class.

Corrective Measures and Penalties

In addition to designating how attendance rolls should be maintained and who is responsible for various details and actions, the administrative procedures may include provisions for teaching the value of school attendance, investigating and counseling students who are developing a pattern of truancy, and setting up a series of penalties for unexcused or illegal absences.

For most children in elementary school, communication with the parents and a cooperative home-school environment is the most effective method of achieving and maintaining good attendance. Parents need to know why school is important, believe that regular attendance is vital, and communicate this attitude to their children. For the minority of parents who are unwilling or unable to insist upon regular attendance, the penalties for unlawful absence must be clearly specified, and the procedures for enforcing the legal penalties must be explained as an administrative responsibility.

It is true that most parents are law-abiding citizens, and that the majority of students at all levels are not truants. Where the parental good influence is absent or ineffective, however, corrective measures should be planned as part of the attendance procedures, and they must be enforced to be effective. Their implementation may be the responsibility of the teachers, principals, guidance personnel, home and school visitors, special attendance officer, or a combination these.

Corrective measures for excessive absence or truancy may include a counseling session, a parent conference, a reprimand, after-school detention, suspension from school, or assignment to a special alternative education program. Most systems set uniform limits, but provide for penalties to increase in severity as the number of offenses increases. When student attendance behavior is not modified by the less severe measures, repeated offenses can result in enforced withdrawal from a course or expulsion from school.

Some penalties require special consideration by the school district. These include the use of school-related activities as a reward for good behavior by excluding students with patterns of excessive absence or other problem behaviors and the safeguard of student rights in use of detention, suspension or expulsion.

School Activities. It is recommended that the attendance policy include a statement on participation in school activities where appropriate. Interscholastic athletics has specific rules about eligibility requirements which must be followed by schools who wish to compete in league games and activities. Policy statements may require all activities to follow similar rules or may be adjusted to each situation.

The board must make the basic decision as to whether particular activities are educational opportunities open to all or are regarded as extracurricular experiences used to reward good behavior and satisfactory grades in required school courses. If a given number of absences will result in removal of the privilege of activity participation, this should be stated in the procedures.

Detention, Suspension, Expulsion. Among the more common penalties for unlawful and unexcused absences are detention and suspension. Some districts are also using in-school suspension to control behavior problems as an alternative to out-of-school suspension. In-school suspension serves to remove problem behavior from the classroom without denying school attendance, and the student is required to complete assignments during the in-school suspension period. In cases of after-school detention, provision should be made to notify the parent or guardian at least a day before the detention begins for obvious transportation purposes and for parent notification.

All suspensions and expulsions must be consistent with the students' rights of due process. Chapter 12 of the State Board Regulations details the students' rights to hearings, formal or informal, in all cases of removal from class or school. This includes in-school suspensions as well as out-of-school suspensions and expulsions. It should also be noted that expulsion of children of compulsory school age does not end the school's responsibility for their education. If the parents fail to provide alternative education for an expelled child, the school district must make some provision for the child's education.

Consideration should be given to missed classwork. Many schools have distinguished between excused and unexcused absences, allowing work to be made up after excused absences but not after unexcused absences. Consequently, grades may be lowered when absences are unexcused. Other schools require all work to be made up, whether the absence was excused or not. However, the school has no choice in case of a suspension. Pennsylvania law specifically requires that students be allowed to make up work missed during the time they are suspended from school.

Many schools have sought alternatives to suspensions for truancy. Alternative programs, Saturday make-up sessions, and requirements that the student perform special services to the school are examples. A few districts have systems to reward and reinforce good behavior. Alternatives attempt to meet more specifically the students' needs for more controlled environments, vocational experience, special interest fulfillment, or more individual treatment. Some examples of such alternative programs will be described in the following sections.

IV. INCENTIVE PRACTICES FOR MAINTAINING AND IMPROVING STUDENT ATTENDANCE

The best way to improve student attendance is to encourage regular attendance. This can be done in many ways, including providing rewards for good attendance, closer home-school contact, better student and teacher-student communication, wider use of community resources and more realistic scheduling of classes and activities. Examples of each follow. Many of these practices are in use in Pennsylvania school districts; others are in use in other states.

Rewards

Individual Recognition

Schools frequently do not reward appropriate behavior. Instead, they reward only the top academic and athletic achievements. Many schools have changed this situation by recognizing students who have perfect attendance or the best attendance for a month, term or a year in the form of awards or certificates. Recipients of the awards may be recognized in assemblies, over the public address system, by having their photos mounted on a special attendance bulletin board, at an awards banquet or by being featured in the local papers. In one Pennsylvania district students with perfect attendance for a term get to see a special movie. In another, students are given a silver dollar. Recipients could also be rewarded with tickets to school events or tee shirts. A third Pennsylvania district uses positive reinforcement with students who have poor attendance and gives them a certificate when they have perfect attendance for a predetermined number of days. Rewards can also be given for the greatest improvement in attendance.

Recognition can also be given for and to encourage overall positive behavior, including good attendance. One example of such a program is the Central Cambria Elementary School's Best of the Bunch Award. Each homeroom teacher selects one student each marking period to receive the award, based on a number of criteria. Recipients get a Best of the Bunch tee shirt, have their picture posted on the main bulletin board and are featured in the local newspapers. In addition, a letter of commendation is sent to each recipients' parents. A similar program used in the district's middle school is the Student of the Month Award.

Contests

Contests among classes, grade levels, homerooms or neighboring schools can also be used to recognize the best attendance or most improved attendance. Rewards can be a school flag, trophy or classroom banner, or special events such as field trips or class parties.

Special Privileges

Two Pennsylvania school districts have programs which reward overall positive behavior, of which attendance is one part, with special privileges that students particularly enjoy. Descriptions of these programs follow.

1. Positive Incentive Program, Loyalsock Township Middle School, Williamsport, PA

The Positive Incentive (PI) program was established to reward students with a positive attitude and to foster such an attitude. To qualify for the program a student must have all assignments turned in, be working up to his/her ability and have less than six demerits. Demerits are given for lateness to class or school, failing to bring a note for excused absences, loitering in the halls, misconduct, etc. If a student meets the criteria, he/she is eligible to go to the PI room during a study period one time a week. The PI room contains air hockey, pinball, table billiards, fussball, table tennis, board games, comfortable furniture and a stereo system and is supervised by parent volunteers.

Less than half a year after starting the PI program, the number of suspensions at the school had been reduced by 50 percent.

2. Honor Period Program, Manheim Township Middle School, Lancaster, PA

At the Manheim Township Middle School, students receive achievement and effort marks in each class. Effort marks are "Outstanding," "Satisfactory," or "Needs Improvement" and are based on class participation, regular attendance, tardiness, completion of assignments. Students who maintain satisfactory effort marks (no more than one "Needs Improvement" in any marking period) are allowed to take an honor period during their study hall. During the honor period students can go to the Student Commons, which is equipped with shuffleboard, table tennis, a juke box, fussball and bumper pool. Eighth graders are allowed to take one honor period a week; seventh graders can have one every other week; and, sixth graders can take one honor period a month. The Commons is staffed by parent volunteers and funded by the Student Council. Students with two or more NIs can regain their honors period privileges and Commons card by reapplying. However, they must first demonstrate improved effort for at least two consecutive weeks and convince their teachers to sponsor them.

Closer Home-School Contact

Phone Calls

As previously mentioned, some schools require a call from the parent or guardian whenever a child is kept home from school. Other districts call the home. Aides and/or parent volunteers can be used to make the calls. A computerized automatic phoning system is also available which will repeat unanswered calls until a specified time. When the system was first implemented at Taft High School in the Bronx, attendance increased from 54 to 71 percent.

Wake Up Calls

Parent volunteers call frequently tardy or absent students to say "It's time to get up and get ready for school." Volunteers are trained before assuming this role, and the parents of the students give their approval in advance.

Principals' Letters

Principals write a letter to parents of students who are frequently absent or tardy explaining the effects of absence on achievement and future employment and enlisting their support to improve the students' attendance.

Postal Cards

Teachers are given postal cards with a printed message such as _____ has been absent _____ days or tardy _____ days. I am concerned because the work missed is important. Is there anything I can do to help?" The teacher signs and mails the card to the parents.

Dial-A-Parent

Teachers call the parents or guardian when a student receives an honor, has done something particularly well or is having difficulty in school.

Success Cards

A note is sent to the parents or guardian to commend student achievements.

Progress Report

A weekly progress report on students who have been having problems in school is made to the parents in writing or over the phone.

Improved In-School Communication

Attendance Committee

A committee of the principal, students, teachers, parents and others, such as the school nurse and counselor, reviews attendance matters and suggests school-wide programs for improvement.

Student Exemplars

A team of older students counsels with groups of younger students to emphasize how good attendance affects their success in school, in extra-curricular activities and in summer or part-time jobs.

Students with regular attendance volunteer to show special interest in one of their peers exhibiting attendance problems. They pair to walk to school together, lunch together and do home study assignments together.

Adopt a Student

Teachers volunteer to take special interest in one to five students exhibiting attendance problems. They chat with students in the halls, ask about school progress and family situations, offer encouragement and praise, and demonstrate concern.

Intensive Counseling

The principal or counselor spends time each week with a selected number of students exhibiting attendance problems, discussing reasons for absence and suggestions for improving attendance. They discuss such matters as the relationship between attendance and school achievement; the record of successful people, particularly athletes, who must attend practice and games and "kick off" on time; and the fact that employers often inquire about a student's record of attendance.

Teacher Advisors

Homeroom teachers use the homeroom period to act as advisors to help students develop a positive, self-image and the skills needed to live in society, and help students set short- and long-range goals and learn methods to attain them.

These homeroom teacher-advisors keep abreast of the academic and co-curricular progress of their advisees and work with students on an individual basis. A contact card communication system between classroom teachers and homeroom advisors provides a full profile of academic and citizenship progress of each student.

The teacher-advisor also maintains a channel of communication with the home of each advisee. This helps the parents feel closer to the school and helps teachers know students on a more personal basis. One result of the program is that each student has at least one adult in the school with whom he or she feels comfortable about sharing problems. Another important feature of the program increases student involvement through the selection of homeroom students to work with the teacher-advisor in planning homeroom activities.

Student Discovery Days

Special days are set aside every grading period during the school year as student discovery days. Each school department plans a schedule of classes consisting of a variety of activities, usually of an enrichment nature, and provides supplemental resources and material not normally available during regular classtime. Included are guest speakers, field trips and advanced work in various academic and exploratory areas. Each homeroom teacher works with the students to develop a one-day schedule which will allow all students to explore new areas of the curriculum and participate in enrichment activities.

Code of Conduct

A committee of students, teachers, parents and the principal meets annually to review, evaluate, refine and amend the Code of Student Conduct. The approved code is shared and discussed widely by staff, students and parents. Some schools print the code of conduct on school-supplied book covers so that it is always available to students.

Community Involvement

Service Clubs and Businesses

Many service clubs, such as the Kiwanis or Lions Clubs, provide support to help schools with matters such as attendance. These organizations may provide trophies to schools with the best or most improved attendance or sponsor an awards banquet honoring recipients and their parents. Many businesses are also forming partnerships with schools and provide similar assistance. Some businesses may also provide commercial awards. For example, a fast food chain might provide tickets for free hamburgers and fries; a dairy company may provide free ice cream to the class with the best attendance; and a newspaper might provide free tickets to special sports events.

Student Health and Social Services Coordinating Center

A school health and social services coordinating center refers students and families needing special services to appropriate community agencies for assistance. The center may be staffed by volunteers, such as PTA leaders and others with broad experience in school and community activities, under the direction of a certificated staff member.

Employers as Exemplars

Employers often serve as guest speakers at Career Day assemblies. Their presentations may stress the importance of a student's attendance record in a company's decision to hire, or not to hire, applicants for work.

Athletes as Exemplars

Local athletes from high schools, colleges and the professional ranks serve as speakers in classes and at assemblies, stressing the importance of self-discipline, promptness and regular attendance for success in sports.

Media Coverage

Press, radio and television coverage of board of education attendance actions, adoption of the code of conduct, records of school attendance and related matters keeps the importance of attendance in public focus. Interviews with principals, teachers, students with perfect attendance and their parents make good news features.

A student poster contest stressing good attendance not only involves students in thinking about the importance of attendance, but provides an opportunity for the prize winners and their posters to be photographed for news attention.

Ads may be placed in the press or on billboards. Often the costs are paid by teacher or parent associations, school boosters or other community groups. One example features large footsteps, with the slogan "Steps to Success." The ad copy reads, "Steps to Success are those that take your child to school each day. The first step to success is daily school attendance."

Realistic Approaches to Scheduling

Special Events on Mondays and Fridays

Many schools avoid scheduling student activities and events on Mondays and Fridays since more absence occurs on these days than others. On the other hand, some schools have found that scheduling events on Mondays and Fridays improves attendance on these days.

Before-School Intramural Sports

Scheduling a broad program of intramural sports in the morning before school has been used to improve attendance. Since student interest in the activities is high, students come for the sport and stay on for school.

Adjusting Schedules to Meet Individual Needs

Sometimes able students have more study hall time than they need; others may be scheduled into study halls for two consecutive periods and be unable to utilize the time effectively. Some schools help such students by giving them an opportunity to enroll in an extra subject, participate in a range of optional interest-centered "mini-courses", or volunteer for daily school helper assignments such as hall monitor and library or office aide. The volunteer service helps the student feel a part of the school and enhances his or her attitude and self-image.

Adjusting individual schedules to accommodate students who work or must meet other serious obligations after school may also be possible.

V. OTHER INSTITUTIONAL STRATEGIES

In addition to having strong board-adopted attendance policies and using incentive practices, there are many other things schools can do to improve student attendance. This chapter will discuss other institutional strategies for reducing absenteeism including early identification of attendance problems, after school detention, academic punishment, strengthening school leadership, improving school climate, and providing in-service training to improve classroom management and skills in coping with high-risk dropout-prone students. Alternate programs and in-school suspension programs will be discussed in the following chapters.

Early Identification of Problems

Chronic absenteeism and truancy are often symptoms of other problems, which may include low self-esteem, rebellion against authority, lack of motivation, alienation and hostility, a sense of helplessness or poor educational preparation. They may also be symptoms of physical impairments to vision or hearing, other learning disabilities or problems at home. Truancy is also often the first deviant childhood behavior to develop. Therefore, it is important for schools to establish procedures that will lead to the early detection of attendance problems. These procedures should include the maintenance of accurate attendance records by all teachers and a system of early referral to counselors or other designated personnel for follow-up. Some schools have done this by implementing a computerized pupil attendance reporting and monitoring system to track attendance problems. The use of such a system speeds up getting the daily absentee list to teachers and administrators, and can also provide an absence profile, including total absences to date, number of consecutive days of absence and number of tardies for each student on the list. This allows school administrators and counselors to investigate these occurrences on a timely basis.

After School Detention

Some Pennsylvania school districts use after school detention as part of a progressive system of controlling attendance-related problems such as tardiness and feel that detention is an effective deterrent in reducing absenteeism. One such school district requires students to write an essay on what they did wrong, why it is unacceptable and what they will do to make certain it will not happen again as part of each detention. The completed essay must be discussed with the principal and the district reports few repeat offenders. After school detention programs are typically used only in secondary schools. The length of a detention may vary from 35 minutes to an hour or more. Some districts, however, feel that after school detentions are not effective in controlling attendance problems and have resorted to other types of programs, such as Saturday detentions, instead.

Academic Punishment

Some school districts have adopted the policy of lowering grades or withholding credit after a predetermined number of absences is exceeded in an attempt to prevent excessive absences. However, the Pennsylvania Department of Education has advised that assignment of grades be left to the discretion of the teacher and principal; grading should not be subject to an inflexible and arbitrary policy which forces the teacher to issue a grade lower than he/she feels the student has earned. A 1980 Department Memorandum to administrators stated that "the establishment of a policy that arbitrarily lowers a student's academic grade solely based on his/her attendance does not appear reasonable." This position is advisory only and has no statutory or regulatory authority.

Strengthening School Leadership and Improving School Climate

A capable and committed principal who gives attendance high priority and provides strong leadership to staff, students and parents is an important factor in achieving good school attendance. In addition, effective principals give high priority to activities, instruction and materials that foster academic success, set instructional strategies, foster a school climate that is conducive to learning, have high expectations for students and staff, and monitor student progress on a regular basis. Effective principals also coordinate instructional programs and see that what goes on in the classroom has a bearing on the overall goals and program of the school.

School climate is not only the responsibility of the principal. Effective teachers are warm and encouraging. They show respect and interest in each other and each student and are exemplary in their own attendance, dress, decorum and demeanor. They also use praise more than criticism and hold students accountable for their behavior.

One example of a program that employs many of the characteristics of effective schools follows. This program significantly improved student attendance and achievement.

1. Academic Expectations and the Fourth R: Responsibility. Modesto City Schools Modesto, California

In April 1976, the Modesto City School Board of Education adopted a program designed to improve student behavior and academic performance. The program is called "Academic Expectations and the Fourth R: Responsibility." The Academic Expectations element includes minimum competencies, remediation and competency-based high school graduation.

The Fourth R: Responsibility element of the Modesto program includes written student conduct codes, Education for Responsibility, and Citizenship Accountability. The student codes set forth student rights and responsibilities plus the consequences of first and subsequent infractions. Education for Responsibility (grades K through 6) is based on the premise that if students are to be held accountable for their behavior, they should be given the opportunity to learn acceptable behavior. It includes instruction in "consensus

values" such as courage, convictions, generosity and kindness, honesty, honor, justice and tolerance, use of time and talents and others. In grades 7 through 12 (Citizenship Accountability) students are made accountable for their behavior through an evaluation of in-class citizenship marks based on tardiness, completion of assignments, preparation for class, failure to meet deadlines, etc. If a student receives two or more unsatisfactory citizenship marks in a quarter, certain privileges such as participation in athletics are withheld the following quarter. Each quarter students may regain their privileges by improving their citizenship.

The Modesto program is based on eight principles. One of these is that the development of responsible adults is a task requiring community commitment. One outgrowth of this commitment is the Active Control of Truancy Program (ACT). The primary elements of this program are a well defined and meaningful school truancy policy and a cooperative community effort to keep students off the streets and in school. As part of this program, police officers pick up students without excuses and take them to the ACT Center. Parents are then required to escort the student to school and confer with appropriate school personnel. In addition, cooperating businesses that do not serve school age youth during school hours display ACT signs, "I support ACT," and notify officials to pick up truants.

The last component of the Modesto program is a student recognition program, entitled "Excellence is a Community Affair." Through this program, community sponsors provide funds for awards and incentives, they also provide personnel time to develop, maintain and promote programs, and pledge their support for two or more years. The programs include competitive events, such as an Academic Olympics in specified areas or an Agriculture Skills Competition, plus academic achievement programs at the elementary, junior high and high school levels. A variety of awards for citizenship and responsibility are also given. One example is the Exemplary Attendance Awards whereby students receive gift certificates for one, two or three years of perfect attendance. Recipients of the awards are recognized at the annual Superintendent's Student Recognition Banquet.

In-service Training

Providing in-service training in classroom management and skills for coping with high-risk dropout-prone students is another way districts can improve student attendance. Four examples of such programs follow.

1. Intercept: A Positive Alternative to Pupil Suspensions, Truancy and Dropout
Ossining School District, Ossining, New York

Project Intercept provides preservice/in-service training in dealing with students in grades 9 through 12 who have shown chronic disruptive, failing and truant behavior and addressing such problems before these difficulties fully develop. Training is provided in teaching competencies which have been demonstrated in the research and observed in effective classrooms to improve student achievement and behavior. Among the competencies are methods of confrontation, discipline procedures to handle behavior problems of the

verbal and nonverbal student, three comprehensive classroom management techniques, methods for using a teacher performance observation instrument, and strategies for establishing a school peer critiquing/consulting team. Teachers also receive training in management skills for establishing an alternative program to treat high-risk drop-out students within the regular school, 56 different counseling strategies designed to help students evaluate and change inappropriate behavior, and family intervention and parental training.

Project Intercept is approved by the Joint Dissemination Review Panel as an exemplary program and has proved to be effective in reducing dropouts and improving attendance and grades. In addition, the suspension rate at the original project school has declined by over 70 percent since the project began.

2. Project Learncycle, Teaneck, New Jersey

Project Learncycle is a nationally validated teacher-training program which develops skills for managing and teaching mainstreamed special education or high-risk students in grades K-9. The program includes two levels of training. The first Responsive Teaching for Mainstreaming and Accountability includes a variety of reinforcement based teaching techniques including precision teaching, contingency management and token economies. Participants also learn how to monitor, evaluate and revise their programs to meet changing student needs. A unique feature is training teachers how to enlist the support of the whole class for program success with one or two high-risk students.

The second level of training, Training to Train, prepares graduates of the first course trained to train others.

Evaluation of the project showed that student "on task" behavior increased from 50 to 80 percent. Disruptive and "off task" behavior decreased correspondingly. Teacher referrals to the principal or counselors also decreased.

3. Project PASS, Pinellas County School District, St. Petersburg, Florida

Project PASS (Positive Alternatives to Student Suspension) is a nationally validated demonstration project that provides in-service training in intervention strategies designed to prevent or minimize non-productive social behavior among secondary students. Some of the preventive/developmental activities include staff development for a humanistic school, humanistic activities in the regular classroom, basic education for students, basic education for school personnel, and parent training groups. The crises/remedial components include the time-out room, a students' school survival course and a students' home survival course. The project has been shown to be effective in reducing student suspensions by 30 percent or more in all adopting districts, and one district reported a 98 percent decrease.

4. Positive Attitude Toward Learning (PATL),
Bethalto Unit 8 Schools, Bethalto, Illinois

PATL is a performance-based in-service training program designed to produce positive attitudinal and cognitive changes in students who are "turned off" by school. The project which aims to change teacher behavior, is effective for teachers at all grade levels. Teacher-training kits teach specific skills in four areas: active involvement, learning processes, individualized instruction, and improved communication and management. Each kit provides teachers with performance-based objectives, learning activities to reach the objectives and criterion-referenced assessment procedures. Learning activities provide for a choice of various media, small-group or individual sessions, and tape or live observation.

Target students of the teachers using the new methods at the development demonstration site significantly improved in self-concept and reading comprehension.

VI. ALTERNATIVES TO OUT-OF-SCHOOL SUSPENSION

In-School Suspension Programs

In 1976, the Pennsylvania Task Force on Student Responsibility and Discipline did a comprehensive study of discipline in the schools of the Commonwealth and prepared recommendations to provide direction to school districts in dealing with student discipline. The following recommendations were made regarding suspension from school:

- Each school district should critically examine its policy and practice relating to the use of out-of-school suspensions. This review should attempt to determine if the infractions or misbehaviors warrant the student's removal from school. As a rule of thumb, out-of-school suspensions would be most appropriately used for misbehaviors which materially disrupt the educational process or which pose a threat to the safety and welfare of others. This form of discipline might be employed for less serious offenses which recur, but seldom in response to the first instance of the misbehavior.
- This recommended review might also be used to assess the degree to which out-of-school suspensions are effective in reducing or eliminating the incidence of student misconduct. Where suspensions are repeated and obviously are having little impact, some other disciplinary option should be sought.
- Where out-of-school suspensions are frequently used or are found to be generally ineffective, the district should create an in-school suspension option. While in-school suspension differs from the regular program in that there is a lack of movement from class to class and a loss of privilege, such as intramurals, it nevertheless provides the student with planned and supervised instruction in the basic subjects. Since an in-school suspension program would allow the student to remain in school and to maintain a program of studies while under supervision, this response would be considered less punitive than removing the student from school and, therefore, would be appropriate for a wider range of infractions.

Many Pennsylvania school districts have created in-school suspension programs. In general, these programs fit the description in Recommendation 2 above. However, the distinction between in-school suspension programs and alternative education programs is sometimes unclear. Therefore, for the purpose of this handbook, in-school suspension programs will include those disciplinary programs which confine students to a room for a relatively short duration (usually 3 to 10 days) but does not relieve the student of the obligation to continue his or her regular program of studies. Alternative education programs generally differ from the traditional program in governance process, learning model and organizational model, and replace the regular program for the duration of a student's assignment to the program, which may be for a term or longer.

The in-school suspension room or center is generally equipped with resource materials. Students are required to study throughout the day and are allowed eating and restroom privileges only. Usually no talking is allowed and rule violations can lead to a longer stay. The suspension room teacher is typically available for tutorial help as needed. Some programs also provide guidance counseling. Students may be given in-school suspension for a variety of attendance related reasons including repeated tardiness, skipping class and truancy. Specific reasons for assignment to in-school suspension should be part of the school policy.

One example of an in-school suspension program in operation in Pennsylvania follows.

1. Harbor Creek Junior-Senior High School
Harbor Creek School District, Harbor Creek, Pennsylvania

The Harbor Creek in-school suspension program serves students in grades 7 through 12. Students may be assigned to the program for chronic violation of any offense resulting in a placement in detention hall (which may include attendance problems), forging or falsifying school forms or excuses, smoking or a variety of other reasons specified in the Code of Behavior. Assignment to the program is for 3 to 10 days.

Students are given 48 hours notice before being required to report to in-school suspension (ISS). In the interim, parents are notified of the disciplinary action and the ISS supervisor obtains the student's assignments from his or her teachers. Upon entering the program, one intake counseling session is held to discuss the reason the student is in the program. Students are then informed of the rules and expectations of the program and must sign a contract to fulfill the following responsibilities:

- To maintain absolute silence at all times unless spoken to by the ISS supervisor.
- To report to ISS with all the books needed for completion of class assignments.
- To report to ISS with pen and pencil(s) as required in the student handbook.
- To carry a lunch from home while in ISS.
- To eat lunch at his/her desk in silence.
- To clean the desk at the end of each day.
- To obey all instructions from the ISS supervisor without back talk, muttering or any other forms of disrespect.
- To obey the school's Code of Behavior or accept the prescribed disciplinary action.
- To complete all class assignments to the satisfaction of the subject instructor and the ISS supervisor.
- To engage in a minimum of two counseling sessions with the ISS supervisor.

In addition to the above responsibilities, students are expected to develop a responsible attitude that will enable them to take advantage of learning opportunities, develop sound work habits, master fundamental learning skills and improve the quality of their education. The ISS supervisor

applies appropriate counseling, behavior modification, reality therapy and/or tutoring strategies to facilitate this process.

Parents, students, teachers and administrators provided input in the development of the ISS program. The number of referrals to the program has decreased substantially since it was first implemented.

Intensive Counseling

Another common alternative to suspension is intensive counseling by a counselor and/or administrator. Parents may also be involved in the process. Groups of students or individuals meet with the counselor or administrator weekly to discuss reasons for their absence, the importance of regular attendance and suggestions for improving attendance. Depending on the student's problems and counselors' expertise, Glasser's reality therapy, transactional analyses, values clarification or other behavioral modification techniques may also be used. The sessions are intended to change attitudes by:

- o conveying the concern of the school staff for each student regardless of overt behavior, thereby focusing on the individual rather than on behavior.
- o helping the student to evaluate the issues involved, the need for rules and standards, his or her personal adequacies and possible shortcomings, and the implications of truancy for everyone in the school setting.
- o assisting the student to attain insights into the reasons for repeated absences and to consider changes which are personally acceptable.

Time-Out Rooms

Time-out rooms were a third commonly used alternative to out-of-school suspension. Their purpose is to give the student a chance to "cool off" and think about his/her behavior for a class period or so. Often the student is left unattended. While this may have some value when a student has been disruptive, some time-out rooms have been located in dingy basements or similar areas and leave much to be desired. Moreover, other alternatives are more appropriate for attendance related problems.

Attendance Contracts

Some districts have used written attendance contracts as an option to out-of-school suspension. Parents and students are involved in developing the contract, which should:

- o contain a mutually agreed upon goal for expected attendance.
- o be reasonable and attainable.
- o not be terminated without common understanding and consent of all parties.
- o list penalties for failure to fulfill any of the provisions.
- o specify the time frame for review dates.
- o be signed by the student and the parents in a scheduled conference.
- o identify the school official responsible for monitoring the contract.

Saturday School

Some districts have found a Saturday program an effective alternative to detention or out-of-school suspension. The program is operated like an regular in-school suspension program, with students being required to work on class assignments and follow strict regulations. Tutorial assistance and counseling is provided by the program supervisor. An example of a Saturday program in operation in one Pennsylvania school district follows.

1. **Saturday Alternative Education Program**
Saucon Valley School District, Hellertown, Pennsylvania

Saucon Valley School District's alternative to student suspension or detention is their Saturday Alternative Education Program. Students are assigned to the program for truancy, excessive absence, chronic tardiness, behavior problems, and other infractions of school rules. The program operates from 8:00 a.m. to 12:00 noon in the high school library. One staff member supervises the program and provides tutorial assistance. Students are required to work on class assignments and/or leisure reading while assigned to the program.

The rate of detention and suspension in the district has been reduced since implementation of the Saturday program. In addition, the number of repeat offenses is low, as students view attending Saturday morning class as less than desirable.

Work Assignment

This alternative to suspension is based on the concept that the student should render some constructive service to the school or community as retribution for failure to comply with school rules. If possible, the assignment should be related to the offense. For example, students with attendance problems might be required to work in a community agency that deals with youth who are in trouble or the unemployed so they can experience first hand the problems associated with the lack of education and/or deviant behavior. The student and the parents agree to the work assignment and the time period for completing the work. The assignment could be part of several options spelled out in a written contract.

One example of a work program follows.

1. **Saturday Work Program**
Cumberland Valley School District, Mechanicsburg, Pennsylvania

When students violate school rules in the Cumberland Valley secondary schools, they may be given the option of participating in a Saturday work program at the school. For instance, the penalty for a first class cut is a five percent reduction in the class grade for the marking period or half a day of work on Saturday. For more serious infractions of the rules, the choice might be a full day's work or a 10 point reduction on a grade. Students typically choose the work assignment, which may include raking leaves, washing windows, stuffing envelopes, shoveling snow or scrubbing floors.

Since participation in the work program is voluntary, students are cooperative. A ratio of 20 students to one supervisor is maintained. The program has been effective in reducing class cutting and truancy.

Probation

This plan calls for the student to continue regular classes contingent upon meeting probation requirements. Terms of the probation are spelled out during a conference with student and parents. The terms are specified in writing and signed by all parties. Terms include the length of time of the probation and consequences of violating them.

Student Transfer

Sometimes a transfer to another school, a different class or another program can affect the student's willingness to come to school. The transfer can provide:

- a different classroom or school environment
- different teacher personalities or instructional approaches
- a program more suitable to the student's needs
- a different peer group

Adult Day or Evening High School

Sometimes transferring a student to an adult day or evening high school can effect a change in attitude. The substitution of adults for peers as a reference group often results in a change of behavioral cues. Individuals tend to identify with, or aspire to take on, behavioral traits of their reference group; thus, the adults serve to motivate some students in the development of more mature and responsible behavior. Transfers should be made only after consulting with and obtaining the consent of the student and parents.

Alternative Education Schools or Programs

Chronic absence is frequently a symptom of a much larger problem. In many cases, the absence symbolizes student disaffection with school. Many districts have developed alternative school programs for such students and others who are disruptive, "turned off" by conventional school programs or have special needs or interests.

Alternative programs may be a "school within a school" or a separate school. They might serve one or several school districts. Some, such as magnet schools, serve youth with special interests and talents. Others may be targeted toward special populations such as pregnant teens. An alternative program may also serve a wide range of students including those who are chronically truant, discipline problems and the gifted and talented. Alternative programs also may differ in hours of operation. One example is the

adult evening school. However, as different as they may be from each other, most successful alternative programs share the following characteristics:

- Small school size and low student-adult ratio. Fifteen students per teacher is a commonly recommended maximum so students can form positive relationships with each other and the teacher. The climate is one of caring and acceptance.
- The program is goal oriented. Goals and objectives are established for each student.
- Instruction is individualized and based on students' needs, interests and learning styles.
- A clear, realistic and attainable reward system is used.
- There is a balance between cognitive and affective learning. Activities to improve self-esteem and responsibility for one's behavior are integrated into the program.
- Extensive use is made of community resources. Students may participate in work programs, internships, career exploration, or serve as volunteers in community programs.
- The community is involved in developing and evaluating the program to ensure its support. Parents of students participating in the program are also involved in the program and in many cases must sign a written agreement to actively support their children's continued education before admission to the program.
- Students are actively involved in the program to create a sense of responsibility for achieving their objectives. They may be required to sign a contract agreeing to conditions such as attending class regularly and making a legitimate effort to learn.

There are many alternative school programs in Pennsylvania that serve students with attendance problems. Some are operated by Intermediate Units (IUs) and serve all of the districts in the IU. Others are operated by single districts. The programs may differ in many other ways including location, educational offering, hours of operation, target population, supportive services and other unique features. Selected examples of state programs follow to show their diversity and potential for meeting special student needs. The Pennsylvania Department of Education's (PDE) Directory of Alternative Educational Programs (1981) provides a more comprehensive listing of programs. Several examples are also given of programs in other states.

1. **Interiv Learning Center (ILC)**
Chester Upland School District, Chester, Pennsylvania

The ILC is an example of a "school within a school" alternative program. The program is designed for middle and high school students who are not "making it" in the regular school program, including habitual truants and students who need intensive guidance, remedial instruction and supportive services. Students accepted into the program spend half a day in individualized instruction in basic skills and group and individual guidance activities. The other half day is spent participating in the regular program or in one of the ten vocational laboratories in the district's vocational school. The laboratories are in carpentry, cosmetology, food service, health occupations, electrical construction, electronics, auto mechanics, auto body repair, welding and masonry. The ILC is staffed by a counselor, reading specialist and math specialist, and serves approximately 60 students.

2. Magnet School Program, Philadelphia, Pennsylvania

The School District of Philadelphia has an extensive Magnet School Program in its high schools. The following programs are in operation:

- John Bartram High School - Business Magnet Program
- Germantown High School - Social Studies Magnet Program
- Northeast High School - Medical, Engineering and Aero-Space Sciences Magnet Program
- Overbrook High School - Scholers Fine Arts and Music Magnet Programs
- William Penn High School - Communications Magnet Program
- South Philadelphia High School - Foreign Language Magnet Program
- University City High School - Science/Mathematics Magnet Program

The school district also operates several middle school magnet programs. Students apply for admission to the programs, and acceptance is based on academic achievement, attendance and behavior, preadmission testing and interviewing, and racial balance. The magnet programs are an incentive to students with special interest and have improved attendance. They have also helped with desegregation.

3. Consortium Alternative Program
Wissahickon School District, Ambler, Pennsylvania

The purpose of the Consortium Alternative Program, which serves secondary students from five school districts, is to provide a highly structured, individualized, remedial and supportive services program to students who have not been successful in traditional school programs. Eligible students include those with school and class attendance problems.

The Consortium Alternative Program is housed in four classrooms at Wissahickon High School. Instruction in English, social studies, mathematics and science is by three full-time staff. Each district can have five students in the program, for a total of 25 students so classes are small, which allows for individualization of instruction. Students are mainstreamed in other classes upon demonstration of appropriate behavior and performance, and contract to meet their physical education requirements. The program operates from 9:45 a.m. to 1:45 p.m. Time is allotted for group interaction and individual projects on a daily basis. Group and individual counseling is provided by the program counselor and home district, and focuses on bringing about behavioral and attitudinal changes that will enable students to return to their home schools.

4. Northern Area Alternative High School
Allegheny Intermediate Unit #3, Allison Park, Pennsylvania

The Northern Area Alternative High School was developed to provide an alternative education for students who are truant, disruptive or otherwise unsuccessful in the traditional programs of eight school districts in the northern area of Allegheny County. Students are recommended for placement in the program by their high school principal or counselor, and must make a written commitment to uphold specific responsibilities. The major components of the program are small group instruction and the "drop in" program for students working on contracts outside of school to get credit. Students in the

drop-in program meet with their content teachers at least once a week by appointment. They also participate in the work study program, attend a vocational school or take additional courses at their home school.

The Northern Area Alternative School serves 105 students and operates mornings and evenings four days a week. Students who have participated in the program have shown a high positive change in their attitude toward school and their control over that schooling.

5. Project SEARCH

Williamsport Area School District, Williamsport, Pennsylvania

Project SEARCH (Self Evaluation and Actualization through Resource and Community Help) is an example of a community-based alternative education program developed as a partnership effort. The program was developed by the school district and the Department of Children and Youth to serve high risk youth between the ages of 15 and 17 whose needs were not being met by other programs. The program began in 1983 and serves 32 chronic absentees, discipline problems, apathetic learners and other potential dropouts. It is housed in the Community Service Center and operates five hours a day, Monday through Friday. The SEARCH program is highly individualized and focuses on life survival skills, job search skills, career development and counseling. Students identify needs, formulate objectives and work toward the accomplishment of objectives, with the teacher functioning as an advisor, consultant and learning systems manager. School social workers, the Department of Children and Youth Services and other community agencies refer youth to the program and also provide support services.

6. Diversified Educational Experience Program (DEEP)

Wichita Public Schools, Wichita, Kansas

Project DEEP is a nationally validated alternative classroom management model for apathetic learners, the "discipline problem", the poor attendee and the potential dropout in grades 9 through 12. It has also been used in other settings in grades six through eight and with the gifted, the talented and the creative learner.

The DEEP classroom is highly structured, but the structure is different from the typical academic classroom. DEEP students identify needs and objectives and develop projects based on their needs and objectives. Electronic and nonelectronic media, cameras, movie projectors, photographic equipment, tape recorders and art supplies are used extensively to complete projects. Before students work on their projects, however, they must learn how to get along with each other, develop goals, and learn to operate the equipment and negotiate a project. The role of the teacher is that of a learning facilitator. Students may go into the community to do research. In addition, they are responsible for keeping daily attendance and negotiating and enforcing the rules for classroom behavior.

The evaluation of Project DEEP showed that DEEP students had a 30 percent lower rate of absenteeism than non-DEEP students and that the dropout rate in DEEP classes was 37 percent lower than in non-DEEP classes.

The DEEP classroom management model is adaptable to a variety of school structures. It can serve as an alternative program within the traditional high school, junior high school, or middle school, or as a separate alternative school. The management model can be utilized in many academic subject areas, primarily language arts, social studies, and science, and is adaptable to regular, modular and other types of flexible scheduling.

7. Alpha (Alternative Learning Program for the High School Age)
Livonia Public Schools, Livonia, Michigan

This program is intended to provide encouragement to dissatisfied students by placing them in a controlled heterogeneous setting: half of the enrollment is made up of chronic absentees and the other half is selected at random from voluntary applicants. Teachers and students contract for credit in independent study classes. Credits are earned for volunteer work in the community, work experience, regular high school classes, independent study and a special Alpha Workshop. The Alpha Workshop is the core of the program. This is a two-hour-a-day, five-days-a-week class emphasizing values clarification, goal setting and group and individual problem solving. Evaluation has shown improvement in student self-esteem and attendance.

8. Learning Unlimited
North Central High School, Indianapolis, Indiana

This school-within-a-school program emphasizes individualization, learning contracts, extensive use of community resources and developing a sense of responsibility for learning. The skills stressed by the program are decision making, time management, critical thinking and evaluation.

Students in the program are accountable for developing an individualized program of students that meets their personal needs and goals and that complies with, and may go beyond, the state requirements. The individualized program becomes a learning contract. Instructional outcomes are based on demonstrated competencies. Success is measured not so much against time or quantity, but is determined by actual performance skills. The performance skills are based on criteria agreed to by the student, the teacher and parents when the learning contract is signed. Serving approximately a ten percent cross-section of students from a large enrollment of 3,400, the rationale for the program is that it is possible to break down the monolithic structure of a large high school into a smaller, more responsive programs designed to meet the needs of individual students. Costs per pupil are about the same as for the regular school program.

VII. POLICY DEVELOPMENT CHECKLIST

Once the local school board has decided to develop or revise current attendance policy, this decision must be implemented. The board may appoint a committee of members, may delegate that responsibility to the superintendent, or may involve a large committee representative of all segments of the school and major community groups. Regardless of who has the responsibility for developing proposed policy, the school board must finally adopt it and be responsible for its content. Actual writing, however, is best done by a smaller group.

The board may wish to set an overall time frame for the project and designate either interim report dates or the stage of the activity at which reports should be made. This should become a part of the committee's working plan.

The following checklist may be of help to the committee in working through the policy development process. Some items mentioned may be of interest only to certain districts. If research into past decisions shows that some concerns have never arisen in the district, the school board may decide to make no policy statements in those areas of concern.

POLICY DEVELOPMENT CHECKLIST

	<u>Date Completed</u>	<u>Person Responsible</u>	<u>Not Applicable</u>
1. Collect all attendance policies, decisions rules and regulations which have been made over the years.	_____	_____	_____
2. Review your policies and related material in light of current Pennsylvania laws and State Board Regulations.	_____	_____	_____
3. Produce a list of currently acceptable policies, policies needing revision, and areas of concern for which no policy presently exists.	_____	_____	_____
4. Does the list include these areas?			
	<u>Yes</u>	<u>No</u>	
a. Statement of district commitment to regular student attendance and the philosophic basis for this commitment.	_____	_____	
b. Acceptable reasons for excused absence which meet state law.	_____	_____	
c. Reasons not considered excused.	_____	_____	
d. Statement about educational trips not sponsored by the school.	_____	_____	
e. Reasons to allow out-of-school instruction.	_____	_____	
f. Provision for home-school communication/cooperation.	_____	_____	
g. Record keeping and reporting.	_____	_____	
h. Corrective measures for truants and frequently absent or tardy students.	_____	_____	
i. Penalties for illegal absences.	_____	_____	
j. Measures to handle unexcused absences after end of compulsory attendance age.	_____	_____	
k. Relation of attendance to school activity participation.	_____	_____	
5. This is an appropriate time in the process to report back to the full board and get their ideas on which of the areas of concern they want policy written for and perhaps some idea of how the policy should be handled.	_____	_____	_____

	<u>Date Completed</u>	<u>Person Responsible</u>	<u>Not Applicable</u>
6. Write, revise and copy policy for all areas of concern to produce a complete attendance policy.	_____	_____	_____
7. Have the proposed policy examined by the district solicitor.	_____	_____	_____
8. Present for action to full school board. If rejected, recycle to Step 3 or 6. If accepted, continue with Step 8.	_____	_____	_____
9. Administrators prepare appropriate regulations to implement the policy. If directed by board, present for approval. If not, present for information purposes and begin implementation.	_____	_____	_____
10. Publish both the board policy and the regulations to all parts of the school community including parents, to social service groups and any other organizations who need this information to function optimally, and, if desired, to the community at large.	_____	_____	_____
11. Make plans for periodic updating of this policy.	_____	_____	_____

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APPENDIX A

Commonwealth of Pennsylvania Public School Code of 1949

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ARTICLE XIII

PUPILS AND ATTENDANCE

Attendance

Section 1301. Age Limits; Temporary Residence.

Every child, being a resident of any school district between the ages of six (6) and twenty-one (21) years, may attend the public schools in his district, subject to the provisions of this act. The board of school directors of any school district may admit to the schools of the district, with or without the payment of tuition, any nonresident child temporarily residing in the district, and may require the attendance of such nonresident child in the same manner and on the same conditions as it requires the attendance of a resident child.

Section 1302. Residence and Right to Free School Privileges.

A child shall be considered a resident of the school district in which his parents or the guardian of his person resides. Federal installations are considered a part of the school district or districts in which they are situated and the children residing on such installations shall be counted as resident pupils of the school district. When a resident of any school district keeps in his home a child of school age, not his own, supporting the child gratis as if the child were his own, such child shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district, and shall be subject to all the requirements placed upon resident school children of the district. Before accepting such child as a pupil, the board of school directors of the district may require such resident to file with the secretary of the board a sworn statement that he is a resident of the district, that he is supporting the child gratis, that he will assume all personal obligations for the child relative to school requirements, and he intends to so keep and support the child continuously and not merely through the school term. (Amended December 14, 1967, Act No. 381.)

Section 1304. Admission of Beginners.

The admission of beginners to the public schools shall be confined to the first two weeks of the annual school terms in districts operating on an annual promotion basis, and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis. Administration shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with standards prescribed by the State Board of Education. The

board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the supervisor of special education or a properly certificated public school psychologist in accordance with standards prescribed by the State Board of Education.

The term "beginners" as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Section 1305. Non-resident Child Placed in Home of Resident.

(a) When a non-resident child is placed in the home of a resident of any school district by order of court or by arrangement with an association, agency, or institution having the care of neglected and dependent children, such resident being compensated for keeping the child, any child of school age so placed shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district. (Subsection (a) amended February 17, 1956, P.L. 1065.)

(b) Any resident of any school district, before accepting custody of a non-resident child of school age for compensation by order of court or by arrangement with an association, agency, or institution having the care of dependent or neglected children, must secure, from the superintendent of schools or school board in that district, a statement in writing that the child can be accommodated in the schools of the district or that the child cannot be accommodated and the reasons therefor. If such statements are not furnished within two weeks after a request in writing has been made to the board's secretary, [or] the superintendent of schools, the board's assent shall be assumed, and the child shall be admitted to the schools of the district as a pupil. If such statement sets forth conditions such as to exempt the district under this section from accepting the child as a pupil, and if such exemption is not disapproved on appeal by the Superintendent of Public Instruction, and if other arrangement for the child's schooling satisfactory to the district superintendent is not made, the child may not be placed in the district.

Appeal from the claim of any school district for exemption, as provided in this section, may be taken to the Superintendent of Public Instruction, and his decision thereon after investigation shall be final.

(Subsection (b) amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Section 1310. Assignment of Pupils to Schools.

(a) The board of school directors of every school district or joint school shall, for the purpose of designating the schools to be attended by the several pupil in the district or area served by the joint board, subdivide the district or joint school in such manner that all the pupils in the district shall be assigned to, and reasonably accommodated in, one

of the public schools in the district or joint school. The board of school directors may, upon cause shown, permit any pupil or pupils in any school district to attend such other school in the district as the board may deem proper, or may classify and assign the pupils in the district to any school or schools therein as it may deem best, in order to properly educate them. Whenever any child or children of compulsory school age have their residence more than two (2) miles by the nearest public highway from the school within the district to which they have been assigned, and free transportation for such child or children to a school within the district is not provided, and there is a school in session in some other district in the Commonwealth within two (2) miles by the nearest public highway of the residence of such child or children, the board of school directors shall, with the consent of the board of school directors of such other district, reassign such child or children to such school in the other district, and shall pay to said district the tuition charge provided for by this act. This provision shall include in like manner assignment to high schools in the case of pupils of compulsory school age who are qualified to be enrolled in such high schools. It shall be unlawful for any school directors, superintendent, or teacher to make any distinction whatever, on account of, or by reason of, the race or color of any pupil or scholar who may be in attendance upon, or seeking admission to, any public school maintained wholly or in part under the school laws of the Commonwealth.

(b) Notwithstanding anything to the contrary stated within this law, the board of school directors of any school district, in which a day treatment program operated under approval from the Department of Public Welfare by a private children and youth agency is located, may in its discretion purchase educational services for children referred, pursuant to a proceeding under 42 Pa. C.S. Ch. 63 (relating to juvenile matters), to such an agency. Before the board of school directors purchases educational services from the agency for a specific child, it must document that the child cannot receive appropriate educational services in a regular classroom setting because of behavioral or psychological reasons: Provided, However, That nothing contained in this section shall be construed to alter or limit the educational rights of exceptional children.

(c) The actual cost, not to exceed the tuition charges of the school district in which such day treatment program is located, shall be borne by the school district of the child's residence. If the school district or residence of the child cannot be determined, the costs shall be borne by the Department of Education. The department shall effectuate necessary procedures for the transfer of funds from the school district of residence to the school district in which the day treatment program is located. In effectuating the transfer of funds, the department may deduct the appropriate amount from the basic instructional subsidy of any school district which had resident students who were provided educational services by an approved children and youth agency.

(d) For the purpose of this section, educational services shall be defined as direct expenditures for instruction and the administration of the instructional program. Any expenditure not pertaining directly to instruction and the administration of the instructional program of the students shall be considered a cost of child welfare services as provided

for in sections 704.1 and 704.2, act of June 13, 1967 (P.L. 31, No. 21), known as the "Public Welfare Code," and as a social service as defined in the regulations promulgated pursuant to that act. Under no circumstances shall a school district or the Department of Education be required to provide funding for programs operated other than during the regular school term or for more than one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction at the elementary level or nine hundred ninety (990) hours of instruction at the secondary level. (Amended 1982, December 17, P.L. 1378.)

Section 1311. Closing Schools.

(a) The board of school directors of any school district may, on account of the small number of pupils in attendance, or the condition of the then existing school building, or for the purpose of better gradation and classification, or other reasons, close any one or more of the public schools in its district. Upon such school or schools being closed, the pupils who belong to the same shall be assigned to other schools, or upon cause shown, be permitted to attend schools in other districts.

(b) Whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or in any district of the third class, which is located wholly within the boundary lines of a township, is ten (10), or less than ten (10), the board of school directors shall close such school. If the board of school directors does not deem it feasible to close such school, it may present its petition to the Department of Public Instruction, showing the reasons why such school should not be closed. Thereupon the department shall consider such petition, and shall make such order as may seem just in the premises. If any school has been closed because the average term attendance of pupils enrolled was ten (10), or less than ten (10), and has been reopened upon order of the State Council of Education, and the average term attendance is twelve (12) or more, after such reopening, such schools shall be considered reestablished. (Amended October 21, 1965, P.L. 601.)

Section 1312. Free Transportation Where Schools Closed in Certain District.

In any district of the fourth class or any district of the third class, which is located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, elementary school pupils who reside within that part of the school district last served by an elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who is assigned to a training school of a State teachers college, and reside one and one-half miles or more from the school to which they are assigned, shall be furnished proper transportation, at the expense of the district, to and from the elementary school to which they are assigned. (Amended May 11, 1949, P.L. 1195.)

Section 1313. Attendance in Other Districts.

Where any pupil in any school district resides one and one-half miles, or more, by the public road, from the nearest public elementary school in the

district, such pupil, unless proper free transportation is furnished to a suitable school in the district, may attend any public elementary school in another school district more convenient of access, on obtaining the consent of the board of school directors of such other school district, and without the consent of the board of school directors of the district where such pupil resides. The district where such pupil resides shall promptly pay, to the district where such pupil attends, the tuition charge provided for by this act. The board of school directors of any district may, on account of convenience of access, or other reasons, permit any pupil to attend the schools of another district.

Section 1607. Attendance in Other Districts.

Pupils residing in a school district in which no public high school is maintained may attend, during the entire term, at the expense of the school district of which they are residents, the nearest or most conveniently located high school of such class as they may desire to attend, unless the board of school directors of the district of residence shall have assigned the pupils to a high school and adequate transportation is provided thereto. Pupils who reside in a school district in which no public high school, other than a vocational high school is maintained, may attend, during the entire term, the nearest or most conveniently located academic high school. In any district which maintains a high school whose program of studies terminates before the end of the twelfth year, pupils who have satisfactorily completed the program of studies there available in other than vocational schools or departments, or have completed a program of studies in some other school or schools, may attend, at the expense of the school district in which they live, and for the purpose of pursuing academic studies of a higher grade, the nearest or most conveniently located high school of such type as they may desire to attend giving further high school work.

Section 1608. Requirements for Attendance in Other Districts.

Pupils wishing to attend a high school in a district other than the high school in the district in which they reside shall obtain the consent of the board of school directors of the district or joint school of the area in which such high school is located before attending the same. Pupils desirous of having their tuition paid in a high school in another district shall secure written approval from the school board in the district or joint board in the district or joint board of the area of which they are residents. The board of school directors of the district in which any such pupil resides may enter into a written agreement with the receiving district for the attendance and tuition of the pupil.

Section 1315. Assignment to School in Another State: Receiving Pupils from Other States.

Where any child of school age in any school district resides one and one-half miles or more by the nearest traveled road from the nearest public elementary school or three miles or more from the nearest high school in the district, such child unless proper free transportation is furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to

a more convenient school in another state: Provided, That the consent of the proper school officials in charge of such school in another state to such an arrangement is permitted by the laws of such state and is agreed to by such officials. The tuition of any such pupil attending a school of another state may be paid by the board of school directors of the district in which he is a resident, as in the case of a pupil attending a public school in this Commonwealth in a district in which he is not a resident.

The board of school directors in any school district situate adjacent to another state may admit to the public schools in such district pupils resident in such other state and may receive tuition for such pupils, as in the case of pupils admitted from other districts in this Commonwealth.

Section 1316. Permitting Attendance of Nonresident Pupils.

The board of school directors of any school district may permit any nonresident pupils to attend the public schools in its district upon such terms as it may determine, subject to the provisions of this act.

Section 1317. Authority of Teachers, Vice Principals and Principals over Pupils.

Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them. (Amended July 25, 1963, P.L. 315.)

Section 1318. Suspension and Expulsion of Pupils.

Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board. (Amended January 17, 1970 (1969), P.L. 468, No. 192, and Act 2, February 1, 1980.)

Enforcing Attendance

Section 1326. Definitions.

The term "compulsory school age," as hereinafter used, shall mean the period of a child's life from the time the child's parents elect to have the child enter school, which shall be not later than at the age of eight (8) years, until the age of seventeen (17) years. The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

The term "migratory child," wherever used in this subdivision of this article, shall include any child domiciled temporarily in any school district for the purpose of seasonal employment, but not acquiring residence therein, and any child accompanying his parent or guardian who is so domiciled.

Section 1327. Compulsory School Attendance.

Every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the Superintendent of Public Instruction, and any child sixteen years of age with the approval of the district superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Public Instruction, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parents, guardian, or other person having control or charge of any child or children, fifteen to sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of Public Instruction, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Such child or children shall attend school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled, except in the case of special schools or classes conducted by an intermediate unit and approved by the Department of Public Instruction or conducted by the Department of Public Instruction. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, setting forth that the work of said schools is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section, if such instruction is satisfactory to the proper district superintendent of schools. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Section 1328. Compulsory Education of Physical Defectives.

Every parent, guardian, or other person, having control or charge of any child of compulsory school age who is deaf or blind, or is so crippled, or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident, shall allow such child to be sent to some school where proper provision is made for the education of the deaf, or of the blind, or of crippled children, or shall provide the tuition of such child by a legally certified private tutor.

Section 1329. Excuses from Attending School.

The board of school directors of any school district may, upon certification by any licensed practitioner of the healing arts or upon any other satisfactory evidence being furnished to it, showing that any child or children are prevented from attending school, or from application to study, on account of any mental, physical, or other urgent reasons, excuse such child or children from attending school as required by the provisions of this act, but the term "urgent reasons" shall be strictly construed and shall not permit of irregular attendance. In every such case, such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained. Every principal or teacher in any public, private, or other school may, for reasons enumerated above, excuse any child for non-attendance during temporary periods. (Amended December 28, 1959, P.L. 2021.)

Section 1546. Release of Pupils for Religious Instruction

The superintendent of the school district shall, upon the written request of a parent or other person in loco parentis, excuse any student who is the child of that parent or person in loco parentis from school attendance for a total of not more than thirty-six (36) hours per school year in order to attend classes for religious instruction: Provided, however, That the request shall identify and describe the instruction, and the dates and hours for which the absence is requested and that the parent or person in loco parentis shall, following each such absence, furnish in writing to the superintendent of the school district a statement attesting that the child did in fact attend the instruction and the dates and hours upon which such attendance took place. (Amended 1982, June 24, P.L. 623, No. 175.)

Section 1330. Exceptions to Compulsory Attendance.

The provisions of this act requiring regular attendance shall not apply to any child who:

(1) Has attained the age of sixteen (16) years, and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law;

(2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education;

(3) Has attained the age of fifteen (15) years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence, in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe;

(4) Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in clause (3) of this section, and who has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the issuance of such a permit has first been recommended by the district superintendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction; (Subsection (4) amended January 14, 1970, Act No. 192 (1969), effective July 1, 1970.)

(5) Except in districts of the fourth class and those of the third class located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, resides two miles or more by the nearest public highway from any public school in session and no proper free transportation is furnished to such child to and from school. (Entire section amended October 21, 1965, P.L. 601.)

Section 1331. Free Transportation or Board and Lodging.

In case there is no public school with the proper grades in session within two miles by the shortest public highway of the residence of any child in a school district of the fourth class, or in a township which is a school district of the third class, or in a borough which has a population of less than five hundred (500) inhabitants to the square mile and which is a school district of the third class, such child shall be furnished proper transportation at the expense of the school district to and from a school with the proper grades. When it is not feasible to provide such transportation, the board of school directors may, in lieu thereof, with the approval of the Department of Public Instruction, pay for suitable board and lodging for any such child. (Amended May 11, 1949, P.L. 1195.)

Section 1332. Reports of Enrollments; Attendance and Withdrawals; Public and Private Schools.

Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or

institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1970.)

Section 1333. Penalties for Violation of Compulsory Attendance or Requirements.

Every parent, guardian, or person in parental relation, having control or change of any child or children of compulsory school age, who shall fail to comply with the provisions of this act regarding compulsory attendance, shall on summary conviction thereof, be sentenced to pay a fine, for the benefit of the school district in which such offending person resides, not exceeding two dollars (\$2) for the first offense, and not exceeding five dollars (\$5) for each succeeding offense, together with costs, and, in default of payment of such fine and costs by the person so offending, shall be sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county, upon entering into a recognizance, with one or more proper sureties, in double the amount of penalty and costs. Before any proceedings are instituted against any parent, guardian, or person in parental relation, for failure to comply with the provisions of this act, the district superintendent, attendance officer, or secretary of the board of school directors, shall give the offending person three (3) days' written notice of such violation. If, after such notice has been given, the provisions of this act regarding compulsory attendance are again violated by the persons so notified, at any time during the term of compulsory attendance, such person, so again offending, shall be liable under the provisions of this section without further notice. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Section 1338. Delinquent Children.

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, or attendance officer, under such rules and regulations as the board may

adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or delinquent children. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Section 1339. Reports to Superintendent of Public Instruction.

Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

Section 1341. Duty to Employ; Power of Arrest; Certification.

The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Public Instruction, upon meeting such standards as shall be prescribed by the State Board of Education.

Any two or more school districts may join in appointment of an attendance officer on such terms as they may mutually agree upon. (Amended 1965, October 21, P.L. 601.)

Section 1343. Arrest of Children Failing to Attend School.

When an attendance officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place such child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

Section 1344. Inspecting Places Where Children Are Employed.

Attendance officers shall have full power and authority to enter, during business hours any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged herein.

Section 1345. Penalty for Interfering with Inspections.

Any officer, director, superintendent, manager, employe, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) or more than twenty-five (\$25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Enumeration of school children

Section 1351. Duty to Make; Penalty for Interfering.

The board of school directors of each school district shall maintain a continuing school census or in lieu thereof shall, between March first and September first of each year, cause to be made by the attendance officers, teachers, or other persons employed for this purpose, a careful, correct, and accurate enumeration of all the children from birth to eighteen (18) years of age within their district, giving the full name, date of birth, age, sex, nationality, place of residence in such school district, name and address of parent or persons in parental relation, the name and location of the school where the child is enrolled or belongs, and the name and address of the employer of any child under eighteen (18) years of age who is engaged in any regular employment or service. In school districts of the first class, where the bureau of vital statistics of the city comprising the school district can supply the district with the number of live births during each year, the school district may limit its enumeration to children between the ages of five (5) and eighteen (18) years of age. Such enumeration shall be made by careful inquiry at the residence of each family in the district, or by such other reliable means as will accomplish a complete and correct collection of information as specified herein concerning each child. The person making such enumeration, upon completion thereof, shall make a proper oath or affirmation as to its correctness. Such enumeration shall also include the names and addresses of all persons, firms, or corporations, employing or accepting service from children under eighteen (18) years of age. The board of school directors in any school district shall have authority to cause to be made an enumeration of all minors residing within the district, and the Secretary of Education may, at his discretion, require such enumeration.

If any person shall hinder or prevent, or attempt to hinder or prevent, any attendance officer or teacher, or other person, from performing any duty provided for in this section, he shall, on summary conviction thereof, be sentenced to pay a fine not exceeding five dollars (\$5), or to undergo an imprisonment not exceeding five (5) days. (Amended 1970, July 22, P.L. 557, No. 192.)

adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or delinquent children. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

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Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

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The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Public Instruction, upon meeting such standards as shall be prescribed by the State Board of Education.

Any two or more school districts may join in appointment of an attendance officer on such terms as they may mutually agree upon. (Amended 1965, October 21, P.L. 601.)

Section 1343. Arrest of Children Failing to Attend School.

When an attendance officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place such child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

Section 1344. Inspecting Places Where Children Are Employed.

Attendance officers shall have full power and authority to enter, during business hours any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged herein.

Section 1345. Penalty for Interfering with Inspections.

Any officer, director, superintendent, manager, employee, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) or more than twenty-five (\$25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county. (Amended January 14, 1970, Act No. 192 (1969), effective July 1, 1971.)

Enumeration of school children

Section 1351. Duty to Make; Penalty for Interfering.

The board of school directors of each school district shall maintain a continuing school census or in lieu thereof shall, between March first and September first of each year, cause to be made by the attendance officers, teachers, or other persons employed for this purpose, a careful, correct, and accurate enumeration of all the children from birth to eighteen (18) years of age within their district, giving the full name, date of birth, age, sex, nationality, place of residence in such school district, name and address of parent or persons in parental relation, the name and location of the school where the child is enrolled or belongs, and the name and address of the employer of any child under eighteen (18) years of age who is engaged in any regular employment or service. In school districts of the first class, where the bureau of vital statistics of the city comprising the school district can supply the district with the number of live births during each year, the school district may limit its enumeration to children between the ages of five (5) and eighteen (18) years of age. Such enumeration shall be made by careful inquiry at the residence of each family in the district, or by such other reliable means as will accomplish a complete and correct collection of information as specified herein concerning each child. The person making such enumeration, upon completion thereof, shall make a proper oath or affirmation as to its correctness. Such enumeration shall also include the names and addresses of all persons, firms, or corporations, employing or accepting service from children under eighteen (18) years of age. The board of school directors in any school district shall have authority to cause to be made an enumeration of all minors residing within the district, and the Secretary of Education may, at his discretion, require such enumeration.

If any person shall hinder or prevent, or attempt to hinder or prevent, any attendance officer or teacher, or other person, from performing any duty provided for in this section, he shall, on summary conviction thereof, be sentenced to pay a fine not exceeding five dollars (\$5), or to undergo an imprisonment not exceeding five (5) days. (Amended 1970, July 22, P.L. 557, No. 192.)

Section 1352. Lists of Names for Schools; Statistics for Superintendent of Public Instruction.

The secretary of each board of school directors, or such other person as is directed by the board, shall, at or before the opening of the school term, furnish to the principal or teacher of each school a correct list of the names and residences of all children, assigned to such school, who are subject to the provisions of this act. The secretary or other person shall also forward, on or before the first day of October of each year, to the county or district superintendent, to be by him forwarded, on or before the first day of November of each year, to the Superintendent of Public Instruction, a summary of such statistics regarding the children in each district, as is required by the Superintendent of Public Instruction, on blanks provided by him for that purpose.

Section 1353. Cost of Enumeration; Additional Names and Information.

The cost and expense of making a proper enumeration of the children of each school district, as herein provided, shall be paid per diem, or by the name, or in such other manner as the board of school directors may deem proper, out of the funds of the district. The attendance officer, the district superintendent, or the secretary of the board of school directors, shall have the power to add to this enumeration the names of any children whose names do not appear thereon, together with other information required by this act. (Amended 1970, January 14, P.L. (1969) 468, effective July 1, 1970.)

Section 1354. Report of Children Not Enrolling, or Withdrawing, or Being Illegally Absent.

It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children in the list furnished to him who have not appeared for enrollment, and he shall also properly report, from time to time, to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children who having enrolled have subsequently withdrawn from school, or who have been absent three (3) days, or their equivalent, without lawful excuse. Such person shall thereupon serve upon the parent, guardian, or other person in parental relation to such children unlawfully absent from school, the written notice herein before provided, and if it shall appear that, within three (3) days thereafter, any child, parent, guardian, or other person in parental relation shall have failed to comply with the provisions of this act, the superintendent, attendance officer, or secretary of the board of school directors, in the name of the school district, shall proceed against the person so offending, in accordance with the provisions of this act. (Amended 1970, January 14, P.L. (1969) 468, effective July 1, 1970.)

Section 1355. Penalty for Failure to Comply.

Any district superintendent, secretary of the board of school directors, attendance officer, or teacher of any public or private school, or any private teacher, or any principal or teacher in any institution for children, who willfully refuses or neglects to comply with the provisions of this act, shall be liable for and pay a penalty, for the use of the school district, not exceeding twenty-five dollars (\$25) and costs, and, in default of payment thereof, may be committed to the county jail for a period not exceeding thirty (30) days. Such penalty may be recovered by, and in the name of, any school district, as like penalties are now collected by law. Any such superintendent, secretary, attendance officer, or teacher, upon whom a fine is imposed, may, at any time within five (5) days thereafter, appeal to the court of quarter sessions in the proper county, on furnishing proper bail, with one (1) surety, in double the amount of such penalty and costs. (Amended 1970, January 14, P.L. (1969) 468, effective July 1, 1970.)

Section 1356. Costs of Proceeding for Noncompliance.

If, at any time after proceedings have been instituted against any person under the provisions of this act, sufficient cause is shown by such offending person for noncompliance with its requirements, or, if the cost of such proceedings cannot be collected from such offending person, such costs may be paid out of the district funds, upon proper voucher approved by the board of school directors.

Section 1357. Withholding State Appropriation.

The Superintendent of Public Instruction upon due hearing, after two (2) weeks' written notice to the board of school directors affected, may withhold and declare forfeited any part, or all, of the State appropriation of any school district which refuses or neglects to comply with and to enforce the provisions of this article in the manner satisfactory to him.

Exceptional Children

Section 1371. Definition of Exceptional Children; Reports; Examination.

(1) The term "exceptional children" shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes.

(2) It shall be the duty of the district superintendent, in every school district in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the proper intermediate unit, on or before the fifteenth day of October of each year, and thereafter as cases arise, every exceptional child within said district. As soon thereafter as possible the child shall be examined by a person certified by the Department of Public Instruction as a public school psychologist, and also by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made to the proper intermediate unit of all such children examined and of

all children residing in the district who are enrolled in special classes. (Amended 1963, August 8, P.L. 592, Section 1; 1970, January 14, P.L. (1969) 468, effective July 1, 1970.)

Section 1372. Exceptional Children: Education and Training.

(1) Standards for Proper Education and Training of Exceptional Children. The State Board of Education shall adopt and prescribe standards and regulations for the proper education and training of all exceptional children by school districts or counties singly or jointly. The Department of Public Instruction shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of exceptional children. Standards and regulations shall recognize such factors as number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities.

(2) Plans for Education and Training of Exceptional Children. Each intermediate unit, cooperatively with other intermediate units and with school districts shall prepare and submit to the Superintendent of Public Instruction, on or before the first day of August, one thousand nine hundred seventy for his approval or disapproval, plans for the proper education and training of all exceptional children in accordance with the standards and regulations adopted by the State Board of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the Superintendent of Public Instruction.

(3) Special Classes or Schools Established and Maintained by School Districts. Except as herein otherwise provided, it shall be the duty of the board of school directors of every school district to provide and maintain, or to jointly provide and maintain with neighboring districts, special classes or schools in accordance with the approved plan. The Secretary of Education shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto. If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home, in accordance with rules and regulations prescribed by the Department of Education, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children. However, the institution of special classes and programs at the secondary level for exceptional children who are gifted and talented students may be deferred until September 1978 at the discretion of the board of the school directors of any school district.

In addition to the above and in accordance with rules and regulations prescribed by the Department of Education, homebound instruction shall be provided for children confined in detention homes as provided in section 7, act of June 2, 1933 (P.L. 1433, No. 311), as amended, for the period of

their confinement, if their confinement exceeds or is expected to exceed ten days, even though such children are not exceptional.

(4) Classes for Exceptional Children. The intermediate unit shall have power, and it shall be its duty, to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary or to otherwise provide for the proper education and training for all exceptional children who are not enrolled in classes or schools maintained and operated by school districts or who are not otherwise provided for.

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Exceptional Children. Where in the judgment of the Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of exceptional children have not been complied with or the needs of exceptional children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to standards and regulations promulgated by the State Board of Education. For each child enrolled in any special class or school for exceptional children operated by the Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) percentum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for exceptional children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for exceptional children, operated by an intermediate unit or by the Department of Public Instruction, shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's reimbursement fractions or weighted average daily membership to be used in calculating a district's aid ratio and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment. (Amended 1965, October 21, P.L. 601; 1966, February 1, P.L.

(1965) 1642; 1970, January 14, P.L. (1969) 468; 1977, August 28, P.L. 199, No. 59.)

Section 1373. State Reimbursement; Reports.

School districts maintaining special classes in the public schools or special public schools or providing special education, as specified in this subdivision of this article, shall receive reimbursement, as provided by this act, as long as such classes, such schools, and such special education are approved by the Department of Public Instruction as to location, constitution and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction and qualification of teachers.

On or before the first day of November of each year, the secretary of the board of school directors in each district in which special education for exceptional children is provided shall make such reports as may be required by the Department of Public Instruction, in regard to such special education being maintained for the current school year for which approval is desired. (Amended 1965, October 21, P.L. 601.)

Section 1375. Uneducable Children Provided for by Department of Public Welfare.

The State Board of Education shall establish standards for temporary or permanent exclusion from the public school of children who are found to be uneducable and untrainable in the public schools. Any child who is reported by a person who is certified as a public school psychologist as being uneducable and untrainable in the public schools, may be reported by the board of school directors to the Superintendent of Public Instruction and when approved by him, in accordance with the standards of the State Board of Education, shall be certified to the Department of Public Welfare as a child who is uneducable and untrainable in the public schools. When a child is thus certified, the public schools shall be relieved of the obligation of providing education or training for such child. The Department of Public Welfare shall thereupon arrange for the care, training and supervision of such child in a manner not inconsistent with the laws governing mentally defective individuals. (Amended 1965, October 21, P.L. 601.)

ARTICLE XV. TERMS AND COURSES OF STUDY

Section 1501. Minimum Number of Days; School Month

All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to schools after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.
(Amended 1980, June 30, P.L. 279, No. 80.)

Section 1502. Day Schools Not to be Kept Open

No school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, or Christmas nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. Whenever Memorial Day shall be on a Sunday, the following Monday shall be a holiday. (Amended 1955, January 24, P.L. (1965) 1508, No. 529.)

Section 1503. Additional Holidays; Vacations.

The board of school directors in any district shall, by a majority vote, decide which other holidays may be observed by special exercises, and on which holidays, if any, the schools shall be closed during the whole or part of the day. The board of school directors of each district shall require that each school within such district observes Veterans' Day by special exercises. The board of school directors may provide for such vacations in its district as it deems wise. No days on which the schools are closed shall be counted as days taught. (Amended 1969, July 10, P.L. 157.) The reference to Veterans' Day was inserted by the act of 1969. In general, school boards must schedule 180 instructional days and provide such number or, if unavoidable cause prevents, amend the schedule so as to provide as many days as sound educational practice would indicate: in such determination, its professional administrators' opinions should have the greatest weight. (Root v. Northern Cambria School District, 309 A.2d 175. 10 Pa. Cmwh. 174, 1973.)

Section 1504. Dates and Times of School Terms and Sessions; Commencement

(a) The board of school directors of each school district shall fix the date of the beginning of the school term. Unless otherwise determined by the board, the daily session of school shall open at nine ante-meridian and close at four post-meridian, with an intermission of one hour at noon, and an intermission of fifteen minutes in the forenoon and in the afternoon. Upon request of a board of school directors for an exception to the aforesaid daily schedule, the Secretary of Education may, when in his opinion a meritorious educational program warrants, approve a school week containing a minimum of twenty seven and one-half hours of instruction as the equivalent of five (5) school days, or a school year containing a minimum of nine hundred ninety (990) hours of instruction at the secondary level or nine hundred (900) hours in instruction at the elementary level as the equivalent of one hundred eighty (180) school days. Professional and temporary professional employes shall be allowed a lunch period free of supervisory or other duties of at least thirty minutes. The provisions of this subsection shall not be construed to repeal any rule or regulation of any board of school directors now in effect herein or to repeal any action of any board of school directors now in effect which provides for a lunch period longer than the minimum prescribed herein or repeal any action of any board of school directors taken in compliance with section 7 of the act of July 25, 1913 (P.L. 1024), No. 466), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended. (Amended 1967, December 6, P.L. 691; 1969, July 30, P.L. 201; 1978, July 1, P.L. 575, No. 105.)

(b) If a school in any district due to crowded conditions is unable to provide for the full time attendance of all pupils during the school day, the board of school directors, with the approval of the Department of Public Instruction first obtained, may provide for two half-day sessions. The approval of the Department of Public Instruction shall not exceed a period of one year. Annual extensions may be granted by the Department upon review of the circumstances of each case. Each half-day session shall be four (4) hours in duration: Provided, That the Superintendent of Public Instruction may reduce the half-day session in the first and second grades, at the request of a school district, for cogent reasons relating to the health, safety or welfare of the children, if, in his opinion, the school program submitted by the district shows that the local program is adequate for these grades. Half-day sessions shall be regarded as two regular sessions. Teachers employed for one half-day session shall not be employed for the other on the same day for the entire half-session, but may be required by the school district to serve every school day for the same number of hours prescribed by the board of school directors for regular full-time teachers who teach full day sessions in the same grades in the school district. Upon any violation or failure to comply with the provisions of this subsection, the Superintendent of Public Instruction,

on hearing, after two (2) weeks' written notice to the board of school directors, shall withhold and declare forfeited the State appropriation for reimbursement on account of the instruction of the pupils in average daily membership in the sessions in which the requirements are not met.

(c) The board of school directors may fix the date of the school commencement and shall pay such expenses in connection therewith as it may determine.

APPENDIX B

PENNSYLVANIA CODE TITLE 22. EDUCATION

REGULATIONS OF THE STATE BOARD OF EDUCATION

CHAPTER 11* PUPIL ATTENDANCE

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- \$11.1. School term.
- \$11.2. School day.
- \$11.3. Minimum required hours.
- \$11.4. Early withdrawal for college entrance.
- \$11.5. Part-time attendance for potential graduates.
- \$11.6. Open campus.
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Admission to Public Schools

- \$11.11. Entitlement to attend public schools.
- \$11.12. School age.
- \$11.13. Compulsory school age.
- \$11.14. Admission to kindergarten when provided.
- \$11.15. Admission of beginners.
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- \$11.17. Education of nonresident children receiving full-time, paid foster care or custodial care in the home of a resident.
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- \$11.21. Religious holidays.
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CHAPTER 12
STUDENT RIGHTS AND RESPONSIBILITIES

(Selected Provisions)

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- §12.8. Hearings.

* Chapter 11 text is in the form accepted by the State Board for its "intent to adopt" motion. As of June 1984 it had not yet been formally adopted and published in the Pennsylvania Bulletin.

General Provisions

§11.1. School term.

All public kindergartens, elementary and secondary schools shall be kept open each school year for a minimum of 180 days of instruction for pupils. No days shall be counted as days taught on which the schools were closed, and no time shall be counted as a pupil session for any activity to which admission is charged. However, upon request, the Secretary may, when a meritorious educational program warrants, approve a school year containing a minimum of 990 secondary or 900 elementary hours of instruction as the equivalent of 180 school days.

§11.2. School day.

Instruction time for pupils shall be time in the school day devoted to planned pupil instruction provided as in integral part of the school program under the direction of certificated school employees.

§11.3. Minimum required hours.

Minimum hours of instruction time for pupils based on a school term of 180 days shall be as follows:

<u>Grade</u>	<u>Day</u>	<u>Week</u>	<u>Year</u>
K	2.5	12.5	450
1-6	5.0	25.0	900
7-12	5.5	27.5	990

§11.4. Early withdrawal for college entrance.

Pupils attending college full-time prior to graduation from high school shall be dropped from the membership roll of the district at the time they withdraw.

§11.5. Part-time attendance for potential graduates.

A 12th grade pupil may qualify for graduation by attending the public school part-time when lawfully employed part-time or when officially enrolled in a college part-time. Membership in the public schools of the district on an equivalent full-time basis for such pupils may be counted for reimbursement purposes.

§11.6. Open campus.

Open campus programs limited to the senior high schools may be approved in accordance with standards of the Secretary. Pupils enrolled in these programs shall be counted on a full-time basis for reimbursement purposes.

§11.7. Religious objections.

A school district may excuse pupils from instruction in those portions of science and health courses which conflict with the religious beliefs of the pupil. School districts shall require written requests from the parents.

Admission To Public Schools

§11.11. Entitlement to attend public schools.

Resident children, as defined by Section 1302, Public School Code of 1949, as amended, of school age residing in a school district shall be entitled to attend the district's public schools established by the board of school directors.

§11.12. School age.

School age is the period of a child's life from the earliest admission age to a school district's pre-elementary school program or, when no pre-elementary school program is provided, to the district's earliest admission age for beginners, which shall be no later than six years, until the age of 21 years. Beginner means any child that should enter the lowest grade of an elementary school above kindergarten.

§11.13. Compulsory school age.

Compulsory school age refers to a period of a child's life from the time the child enters school as a beginner, which shall be no later than at the age of eight years, until the age of 17 or graduation from a regularly accredited senior high school, whichever occurs first.

§11.14. Admission to kindergarten when provided.

When kindergartens are provided, the board of school directors shall establish the district's minimum entry age to kindergarten which shall not be less than four years no months to the maximum entry age of the district to kindergarten which shall be less than the district's minimum entry age for beginners.

§11.15. Admission of beginners.

The board of school directors shall establish the district's minimum entry age for beginners which shall not be less than five years and seven months nor more than six years no months as of the admission period of the school term of the district.

§11.16. Early admission of beginners.

The board of school directors of any school district may upon parental request when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner any child with a chronological age of five years and a mental age of seven years or more as of

the admission period of the district's school term, but nothing contained in three regulations shall be construed to require a board of school directors to admit any child as a beginner whose chronological age is less than the district's established admission age for beginners as of the district's admission period.

§1.17. Education of nonresident children receiving full-time, paid foster care or custodial care in the home of a resident.

(a) General. This section shall apply for any Pennsylvania school age person placed outside his Pennsylvania school district of residence by a court of the Commonwealth or by a custodial care association, agency or institution and into the home of a resident of another Pennsylvania district, which resident is compensated for providing foster home care or other full time custodial care to the nonresident school age person. Unless a timely and valid exemption is claimed by the district in which the placement occurs, subsequent to the district receiving a request for accommodation of the nonresident school-age persons, said person shall have the same right to receive an education from or through the district as would any resident school age person of the district. Nothing in this section shall alter the legal responsibilities of a school age person's school district of residence to that person.

(b) Notice of placement and request for accommodation. Before accepting custody of a nonresident school age person the resident accepting custody or the association, agency or institution placing the nonresident school age person must make a written request to the school district asking the district to accommodate the nonresident school age person by accepting him as a student and providing for his education for the period of his placement.

(1) The written request shall be sent to the school district superintendent or the secretary of the school district board of directors.

(2) The request shall state the nonresident school age person's name, age or birth date, last grade and school attended, the address of the school last attended and the exceptionality, if any, and if known of the nonresident of school-age person. The request shall also include any of the person's education records which are in the possession of the requesting party and which the requesting party is legally entitled to release.

(c) District determination concerning accommodation. After receiving a written request for accommodation the school district shall make an individualized determination on the basis of the information before it, and in accordance with subsection (f) as to whether the resident school age person can be accommodated in any of the placement alternatives available to resident students by or through the school district, including placement in a school district operated classroom or area vocational-technical school program, or whether a valid exemption from accommodating the school age person exists.

(d) Claim of exemption. A school district may claim exemption from educational responsibility for the nonresident school age person by sending to the requesting party a written statement refusing to accommodate the student and setting forth the reasons why accommodation is not possible. To be valid, a written statement claiming exemption must be sent within two weeks of the

school district's receipt of the request for accommodation. The statement must be accompanied by notice to the requesting party of the right to appeal the district's claim of exemption as set forth in subsection (e). If such statement is not sent within two weeks, then the district shall be obligated to educate or provide for the education of such person, as previously set forth in this section.

(e) Appeal. The school district's determination that it cannot accommodate the nonresident school age person may be appealed to the Secretary by the resident into whose home the student is to be placed or by the association, agency or institution which placed the person. The appeal shall be conducted as follows:

(1) The appeal must be filed in writing with the Secretary within thirty (30) calendar days of the requesting party's receipt of the district's statement. A copy shall also be provided to the school district. The appeal shall include a copy of the school district's written claim for exemption and shall state the reason or reasons for appeal.

(2) The Secretary or the Secretary's designee shall review and investigate the reasons given by the school district in support of the determination that it cannot accommodate the child.

(3) The review will be to determine whether the school district has specifically and convincingly demonstrated that the nonresident school age person cannot be accommodated for reasons in accordance with subsection (f). The Secretary, or the Secretary's designee, may, at his discretion, request from both parties whatever information or testimony he deems necessary to decide the appeal.

(4) The final decision of the Secretary shall be issued within forty-five (45) calendar days of the Secretary's receipt of the appeal.

(f) Conditions for exemption. A claim of exemption will be deemed valid if timely made and if accommodation of the nonresident school age person will result in fiscal or administrative burdens such that the school district would have to cease or materially diminish the provision of a required service already being provided to school age persons or would have to increase staff or acquire major equipment or additional classroom space. School districts cannot refuse to accommodate any nonresident handicapped child placed in foster care merely because that child may be handicapped or because of access problems. In the case of an exceptional school-age person, the accommodation determination must include consideration of the placement alternatives stated in 22 Pa. Code, Section 13.11(d) (relating to priority order of placement).

(g) Provision of free school privileges. If the school district does not claim exemption from educational responsibility within two weeks of its receipt of the request for accommodation or if the district's written response states the ability to accommodate the person, then the school district shall provide the nonresident school age person with all free school privileges provided to resident school age persons. If the school district's claim for exemption is denied on appeal to the Secretary the school district shall provide all free school privileges to the nonresident school age person. If the nonresident school age person for whom accommodation is requested is not being provided

with education by or through the person's school district of residence, the foster care district shall offer some form of education to the person pending the appeal, either by temporarily accommodating the person, or by providing instruction in the home. Such instruction shall commence within one (1) week of the date the appeal is received by the district.

(h) Exemption from educational responsibility. If no appeal from the school district's claim for exemption is timely filed or if an appeal is filed and dismissed, the school district shall be exempt from providing education to the nonresident school age person.

§11.18. Nonresident children residing in institutions.

The board of school directors of any school district in which a children's institution is located, shall permit a child who is a resident of such institution, but not a legal resident in such district, to attend the public school in said district.

Absences For Temporary Periods

§11.21. Religious holidays.

(a) A pupil may be excused from school for observance of bona fide religious holidays by particular religious groups in accordance with policies of the district's board of school directors. It is the parent's responsibility to provide an excuse for the child's absence.

(b) A pupil's absence from school for bona fide religious holidays should be recorded as an excused absence. There shall be no penalty attached to such an absence.

§11.22. Tutorial work.

Upon parental request, a pupil may be excused during school hours for the purpose of receiving tutorial instruction in a field not offered in the district's curricula only under the following circumstances:

- (1) The excusal does not interfere with the regular program of studies.
- (2) The qualifications of the instructor are approved by the district superintendent.
- (3) Any instruction or transportation costs associated with receiving tutorial instruction shall be the responsibility of the parent/guardian involved.

§11.23. Health care.

A pupil may be excused during school hours for the purpose of obtaining nonschool professional health care under the following circumstances:

- (1) The health services are rendered by stated licensed practitioners.
- (2) There has been established reasonable cooperation between the school authorities and the practitioners in providing services to school children outside school hours.
- (3) The time of necessary absence from school involves a minimum of interference with school work.

§11.24. Runaways.

A pupil who has run away from home and not returned to school shall be carried on the active roll for a maximum of 15 days after the police have been notified. Such absence shall be classified as unexcused. Fifteen days after the police have been notified by the parents or school district, the child shall be withdrawn from the rolls of the district.

§11.25. Illness or other urgent reasons.

The Board of School Directors may upon receipt of satisfactory evidence of mental, physical or other urgent reasons excuse a child for nonattendance during a temporary period, but the term urgent reasons shall be strictly construed and shall not permit irregular attendance. Every district shall establish procedures to be in compliance with the intent of this chapter.

§11.26. Educational tours and trips, not school sponsored.

A district, upon receipt of a written request from the parents of the pupils involved, may excuse them from school attendance to participate in an educational tour or trip. Such a tour or trip shall be at the expense of the parents and permitted only upon prior approval by the district superintendent. The pupils participating therein shall be subject to the direction and supervision by an adult acceptable to the district superintendent and to the parents of the pupils. A district may establish a reasonable limit to the number of such educational tours or trips permitted each term.

§11.27. Graduation.

The intent of this section is to specify the effect of graduation on membership for the purpose of calculating school subsidies and not to impose limits on the right to a free and appropriate public education for special education students who participate in graduation ceremonies.

- (a) Graduation signifies both the completion of the secondary education program and the termination of the student's membership in a specific high school. The date of the graduation ceremony is considered to be the graduation date of seniors for the purpose of determining the average daily membership of a district.

(b) The district meeting the 180 day rule is contingent on the student's completion of the required number of days of the Area Vocational-Technical School (AVTS) program. Therefore, graduation for the purpose of membership for AVTS students shall be deemed to occur at the completion of the AVTS program.

(c) Pupils in graduating classes may be counted present for not more than three days for commencement preparation under the supervision of certificated school employees.

§11.28. Work study or career exploration.

(a) Pupils engaged in a work study or career exploration program arranged as an integral part of the school curricula and properly supervised shall be counted for attendance and reimbursement purposes as if in regular school attendance. Such program shall be conducted in conformity with established policy of the department.

(b) A pupil may be released from school part-time for the purpose of participating in a work study program that is properly supervised and evaluated by a certified employee of the district. Membership in the public schools of the district on an equivalent full-time basis for such pupils may be counted for reimbursement purposes.

(c) The work release program is for students who fulfill their educational requirements in a portion of the school day. The local school district is not responsible for supervision, transportation, and receives no state reimbursement for the student while on the work release program.

§11.29. Out of school instruction.

Students who are receiving out of school instruction in accordance with policies established by the board of school directors shall be counted for attendance purposes as if in regular school attendance.

(a) Homebound instruction. During the time that a child of school age enrolled in the public schools is homebound and unable to attend the public schools as determined by a medical physical examination, the district or intermediate unit, or both, shall provide homebound instruction in the home.

(b) Individualized out of school instruction. Class assignments developed so that students can maintain their studies when they are not able to attend class on a regular basis are examples of individualized out of school instruction. Instructional programs offered for exceptional students in their homes are also examples of individualized out of school instruction. Individualized out of school assignments may include interest task assignments, individual contracts, independent studies, tutoring, and the use of video and dial-a-tape learning centers.

Excusals From Public School Attendance

§11.31. Pupils not enrolled in public schools due to private instruction.

Private tutoring by a properly qualified tutor shall be subject to the approval of the district superintendent of schools. Such instruction shall include the subjects and activities designated and prescribed by statute and shall be conducted daily throughout the period that the public schools of the district are in session.

§11.32. Pupils attending nonpublic or private schools.

A compulsory school age child regularly attending full-time a nonpublic or private day school in which the activities prescribed by statute and regulations of the State Board of Education are taught shall be excused from attending the public schools.

§11.33. Dual enrollment - nonpublic school pupils enrolled part-time in the public schools.

Membership and attendance of nonpublic school pupils lawfully enrolled part-time in the public schools shall be recorded and counted on an equivalent full-time basis for attendance purposes and reimbursement.

§11.34. Children not able to receive instruction in the home.

A child of school age who is unable to take part in homebound or other instruction may upon recommendation of the school physician and a psychiatrist or public school psychologist or both and with the approval of the Secretary be excused temporarily from school attendance. The temporary excusal, which shall be reevaluated every three months, may be extended upon the recommendation of the school physician and with the approval of the Secretary. The temporary excusal and subsequent reevaluations are subject to requirements of notice and due process hearing. Children so excused shall be entered on the inactive roll.

Applicability

§11.41. Applicability of regulations and school district policies.

This chapter and any properly adopted school district policies with regard to attendance, absences, and excusals shall apply to all students, including those admitted to kindergarten, without regard to the official age of beginners, and those who are still in membership despite having passed compulsory attendance age.

Exceptions

§11.51. Exceptions from pupil attendance.

The Secretary or his designated representative may grant exceptions to these regulations where necessary to adapt them to the school district needs.

CHAPTER 12
REGULATIONS
ON
STUDENT RIGHTS AND RESPONSIBILITIES
(Selected Provisions)

§12.1. Free education and attendance.

(a) All persons residing in this Commonwealth between the ages of 6 and 21 are entitled to a free and full education in the Commonwealth's public schools.

(b) Parents or guardians of all children between the ages of 8 and 17 are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 17 years of age if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools nor from extracurricular activities because of being married or pregnant.

§12.2. Student responsibilities.

(a) Student responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations. Most of all, students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

(b) No student has the right to interfere with the education of his fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators, and all others who are involved in the educational process.

(d) It is the responsibility of the students to conform with the following:

(1) Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.

(2) Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.

(3) Dress and groom to meet fair standards of safety and health, and not to cause substantial disruption to the educational processes.

(4) Assist the school staff in operating a safety school for all students enrolled therein.

(5) Comply with state and local laws.

(6) Exercise proper care when using public facilities and equipment.

(7) Attend school daily and be on time at all classes and other school functions.

(8) Make up work when absent from school.

§12.6. Exclusions from school.

(a) The board of school directors shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain exceptional students shall be governed by 22 Pa. Code §§341.91 and 13.62.

(b) Exclusion from school may take the form of suspension or expulsion.

(1) Suspension. Exclusion from school for a period of from 1 to 10 consecutive school days.

(i) Suspensions may be given by the principal or person in charge of the public school.

(ii) No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.

(iii) The parents and superintendent of the district shall be notified immediately in writing when the student is suspended.

(iv) When the suspension exceeds three school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements set forth in §12.8(c) (relating to hearings).

(v) Suspensions may not be made to run consecutively beyond the ten school day period.

(vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments, within guidelines established by the board of school directors.

(2) Expulsion. Exclusion from school by the board of education for a period exceeding ten school days and may be permanent expulsion from the school rolls. All expulsions require a prior formal hearing under § 12.8 (relating to hearings).

(c) During the period prior to the hearing and decision of the board of school directors in an expulsion case, the student shall be placed in his normal class except as set forth in subsection (d).

(d) If it is determined after an informal hearing that a student's presence in his normal class would constitute a threat to the health, safety, morals or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than ten school days, if the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative education which may include home study.

(e) Students who are less than 17 years of age are still subject to the compulsory school attendance law even though expelled, and they must be provided an education.

(1) The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, through tutorial or correspondence study or through another educational program approved by the district's superintendent.

(2) If the parents or guardian are unable to provide for the required education, they must within 30 days submit to the school district written evidence so stating. The district then has the responsibility to make some provision for the student's education. If 30 days pass without the district receiving satisfactory evidence that the required education is being provided to the student, it must recontact the parent and, pending the parents' or guardian's provision of such education, the district must make some provision for the student's education and/or proceed under (3) below.

(3) If the approved educational program is not complied with, the school district may take action in accordance with the Juvenile Act of 1972 42 Pa. C.S. Chapter 63, to ensure that the child will receive a proper education. See §12.1 (b) relating to free education and attendance.

§12.7. Exclusion from class(es)--in-school suspension.

(a) No student may receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

(b) Communication to the parents or guardian shall follow the suspension action taken by the school.

(c) When the in-school suspension exceeds ten consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in §12.8 (relating to hearings).

(d) The student's school district has the responsibility to make some provision for the student's education during the period of the in-school suspension.

§12.8. Hearings.

(a) Education is a statutory right and students must be afforded all appropriate elements of due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing, which is a fundamental element of due process.

(b) A formal hearing is required in all expulsion actions. This hearing may be held before the board of school directors or a duly authorized committee of the board, or a qualified hearing examiner appointed by the board. Where the hearing is conducted by a committee of the board or a hearing examiner, a majority vote of the entire school board is required to expel a student.

(1) The following due process requirements are to be observed with regard to the formal hearing:

(i) Notification of the charges shall be sent to the student's parents or guardian by certified mail.

(ii) Sufficient notice of the time and place of the hearing must be given.

(iii) The hearing shall be held in private unless the student or parent requests a public hearing.

(iv) The right to be represented by counsel.

(v) The right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

(vi) The right to request that any such witnesses appear in person and answer questions or be cross-examined.

(vii) The right of the student to testify and present witnesses on his own behalf.

(viii) A record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at the student's expense, to a copy of the transcript.

(ix) The proceeding must be held with all reasonable speed.

(2) Where the student disagrees with the results of the hearing, recourse is available in the appropriate State court. If it is alleged that a constitutional issue is involved, the student may file a claim for relief in the appropriate Federal district court.

(c) The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended, or show why the student should not be suspended.

(1) The informal hearing is meant to encourage the student's parents or guardian to meet with the principal to discuss ways by which future offenses can be avoided.

(2) The following due process requirements are to be observed in regard to the informal hearing:

(i) Notification of the reasons for the suspension shall be given in writing to the parents or guardian and to the student.

(ii) Sufficient notice of the time and place of the informal hearing must be given.

(iii) The right to question any witnesses present at the hearing.

(iv) The right of the student to speak and produce witnesses on his own behalf.

(v) The district shall offer to hold the informal hearing within the first five days of the suspension.